



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Hon'ble Chairman Mr. Vivek Kumar Singh,
RERA, Bihar.

RERA/SM/48/2018

Authorised Representative of RERA

Complainant

Vs

M/s R.D. Eco Developers Pvt. Ltd.

Respondent

Project: **CHETNA ENCLAVE & KAUSHALYA ENCLAVE APARTMENT**

Present: For Complainant: Mr. Rishikesh Rajan, Legal
Representative of RERA

For Respondents: Mr. Sumit Kumar, Advocate

15.01.2026

ORDER

1. Hearing taken up. Learned legal representative Mr. Rishikesh Rajan appears on behalf of the RERA. Learned counsel Mr. Sumit Kumar appears on behalf of the respondents.
2. Learned counsel for the respondents submits that the entire project was a common project having a common development agreement and a common sanctioned map. The learned legal representative of RERA Bihar refuted the submission of the learned counsel for the respondents and submitted that, as per the Act, construction of any project is not barred; however, marketing, advertisement, and selling of units are barred. After the enactment of the Act, no promoter can advertise, market, or sell any unit without registering the project with RERA Bihar. The learned counsel for the respondents referred to a sale deed of the project which was executed prior to the enactment of the Act. The learned legal representative of RERA Bihar submitted that the sale deed referred to by the respondents pertains only to Block E of the project. He submits that the project was being developed in phases and as per the technical report dated 24-01-2024 submitted by the Technical Wing, Blocks A, B, C, D, E, F, G, and H were completed prior to the enforcement of the RERA Act, whereas Blocks I and J were completed in the year 2018 and some flats therein remain unsold.

3. The learned counsel for the respondents referred to the completion certificate issued by a technical person and submitted that the building by-laws were not applicable at that time. The learned legal representative of RERA Bihar refuted the said completion certificate by referring to the photographs annexed with the technical report dated 24-01-2024 and Section 3 of the RERA Act. It was further submitted that, as per the Act, no promoter shall advertise, market, book, sell, offer for sale, or invite persons to purchase in any manner any real estate project or any part thereof without registering the project with RERA Bihar.
4. The Authority notes that as the matter pertains to *Suo Motu Case* filed way back in 2018, it cannot be allowed to linger further. The matter has to be decided on the basis of the submissions made and documents available on record.
5. Perused the record and submission.
6. It is to be observed that Section 3(1) of the Real Estate (Regulation and Development) Act, 2016 (“RERA Act”) along with the definition of “advertisement” under the Act, provides as follows:

The term “advertisement” encompasses any document described or issued as an advertisement through any medium. This includes but is not limited to notices, circulars, pamphlets, brochures, or any other form of publicity intended to inform the public or potential buyers about a real estate project. It specifically includes materials that offer for sale or invite persons to purchase, either plots, buildings, or apartments, or solicit advances, deposits, or any form of payment for such purposes.

Further, the same Section 3(1) of the RERA Act mandates that no promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment, or building, in any real estate project or part thereof, within any planning area, without first registering the real estate project with the Real Estate Regulatory Authority established under the Act.

7. A bare perusal of above mentioned provisions and materials clearly establishes that the promoter in question has violated the statutory requirements set out under the RERA Act. Consequently, the promoter’s actions amount to a clear breach of Section 3(1) of the RERA Act, attracting the penalties and remedial measures prescribed under the legislation.

8. The actions of the respondent not only constitute a violation of the aforementioned provisions of the Act but also undermine the very object and purpose for which the statute was enacted. The act of circulating promotional material and offering the project to the public at large without obtaining registration is a deliberate and purposeful attempt to bypass the regulatory framework established under the Act. Such conduct not only diminishes the authority and credibility of the Regulatory Authority but also reflects an intention to derive economic benefit by circumventing the mandatory compliance requirements laid down under the Real Estate (Regulation and Development) Act, 2016 and prejudices the interests of allottees. Both the fact cumulatively establishes the violation of Section 3 of the Act by the respondent with respect to the project in question.
9. The Technical Report dated 24-01-2024 placed on record reveals the existence of the project and the estimated cost of the project.
10. While the culpability of the respondent is established vis-à-vis Section 3 of the Act, however, (a) as the case pertains to a period close to the introduction of the Act when the promoters were not fully conversant with the nuances of the Act, and (b) also that the broad parameters of the compliances have been adhered to in the larger portion of the same project, a lenient view is being taken with regard to the penal amount. Accordingly, a penalty of Rs.1 lac is imposed upon the respondent under Section 59(1) of the Act.
11. The penalty amount of Rs.1 lac, as mentioned above, shall be paid by the respondent company within sixty (60) days from the date of issuance of this order. Failure to comply with this direction will attract further action under Section 59(2) of the Real Estate Regulation and Development) Act, 2016.
12. The Authority further directs the respondents to remove all the advertisements of the projects mentioned above from all mediums within a fortnight.

With the above direction, this matter is disposed of

Sd/-

(Vivek Kumar Singh)
Chairman