REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Secretary, Shri Alok Kumar, RERA, Bihar.

RERA/SM/742/2025

Authorised Representative of RERA   ....   Complainant

Vs

M/s Phenomenal Projects Pvt. Ltd.   .…   Respondent

Project: **Phenomenal NG Town in Sonepur**

Present: For Complainant: Mr. Shiv Sang Thakur, Adv

For Respondents: Mr. Sumit Kumar, Adv

30.07.2025   <u>ORDER</u>

1. Hearing taken up. Learned legal representative Mr. Shiv Sang Thakur appears on behalf of the RERA. Learned counsel Mr. Sumit Kumar appears on behalf of the respondents.

2. A Suo Motu proceeding has been initiated against the promoter in respect of the project " Phenomenal NG Town in Sonepur" situated in the "Mansachak" planning area on the basis of field inspection made by RERA Team in collaboration with District Administrations, Saran which is not registered with the Real Estate Regulatory Authority, Bihar as required under the provisions of the Real Estate (Regulation and Development) Act, 2016. It is submitted by the Learned Counsel for Authority that a show cause notice has already been served upon the promoter. It has been further brought to the Authority's attention that the

promoter is engaged in the development, advertisement, marketing, offering for sale, and selling of plots in the said project without registration, thereby acting in contravention of Section 3 of the Act.

3. In reply to the above show cause issued to the respondents, the measure thrust of the respondents is that the respondent company has never advertised, market, booked or sold any apartment, plot or building after the enforcement of the RERA Act, 2016. Furthermore, the respondent submitted that the mauza in which the project is situated is beyond the sonepur planning area authority.

4. In the matter at hand, the advertisement, technical report, accompanied by a geo-tagged photograph relating to the purported development project was duly placed on record. According to that report, the subject site is located in mauza "mansachak" of "dariyapur" anchal in "saran" district and comprises a plotted development of approximately 7757 sq. mt. The project had been publicly advertised via various advertising website placed on the record.

5. The legal representative of RERA/complainant have produced the technical report, advertisement of the project in question to substantiate the violation of Section 3 of the Act by the respondent company. The complainant in the subsequent rejoinder has submitted that the mauza in which the project is situated is beyond planning area authority.

6. Heard the parties. The Authority has perused the materials placed on record and taken note of the submissions made by the parties.

7.   Following a careful review of the material placed on record, it is manifest that the advertisement of the project in question is overarching to prove that the respondent has flaunted the provision of the Section 3 of the Act. Yet at the same time, the notification dated 31.01.2023 placed on the record, passed by Urban Development and Housing Department, Bihar government substantiates the claim of the respondent that the mauza "mansachak" is beyond planning area authority.

8.   Section 3 of the Act mandate that the legal obligation on the promoter regarding the registration of the real estate project before the promoter advertises, market, book, sell or offer for sale, or invite person to purchase in any matter any plots, apartment or building as the case may be if such project falls under any planning area. Conclusively, the fact that the project in question falls under an area beyond the planning area authority is thus, also beyond the jurisdiction of the Authority as of now.

9.   Thus, upon going through the records and considering the facts and circumstances, the case against the promoter for violation of Section 3 cannot be continued considering the fact that the project is beyond the jurisdiction of the Authority.

        With these observations and directions, the matter is disposed of.

                                                         Sd/-
                                                  (Alok Kumar)
                                                    Secretary,
                                                   RERA, Bihar