



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Senior Land Revenue, RERA, Bihar.

RERA/SM/753/2025

Authorised Representative of RERA

.... Complainant

Vs

M/s Technoculture Building Centre Pvt. Ltd.

.... Respondent

Project: Vastu Vihar, Chhapra, Phase II

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

For Respondents: Mr. Dheeraj Kumar Roy, Adv

04.08.2025

ORDER

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 projects under “**Vastu Vihar, Chhapra Phase II**” on the basis of field inspection made by RERA Team in collaboration with District Administrations, Saran (Chhapra) 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 dated 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 of thrust of the respondents was submitted to the bench through the mode of reply and supplementary reply. The respondent firstly submitted that the documents supplied on the basis of which this suo-moto proceedings were initiated were not visible and readable. The respondent submitted that the phase 2 of Vastu Vihar project in Chhapra included three projects including Vastu Vihar Chhapra Phase 2, Vastu Vihar Chhapra Phase 2 Extension 1 and Vastu Vihar Commercial Complex Phase 2.
4. The respondent has submitted that the Vastu Vihar Chhapra Phase 2 was completed before the existence of RERA. The respondent with respect to Vastu Vihar Chhapra Phase 2 Extension 1 and Vastu Vihar Commercial Complex Phase 2 has submitted that the former project was applied before the Authority for registration but the same was rejected and the latter project is registered with the Authority. The respondent has submitted that no construction commenced for the Vastu Vihar Commercial Complex Phase 2 and the project was dropped. The respondent thereby submits that the case has been clubbed with all the

project situated adjacent to Vastu Vihar Commercial Complex Chhapra Phase 2.

5. In the course of final hearing the respondent produced an order dated 20.09.2022 in RERA/SM/04/2018 in Authorized Representative of RERA vs M/s Technoculture Building Centre Pvt. Ltd. for the project namely Vastu Vihar Chhapra 2. The respondent has further submitted that the Authority has already levied penalty on the respondent company for the Vastu Vihar Chhapra 2 and the same cannot be done twice.
6. The legal representative of RERA to corroborate the contention levied against the promoter submits that the promoter has willfully failed to comply with the mandatory provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016, despite being fully aware of the statutory requirement of the Act.
7. The legal representative of RERA/complainant has firstly submitted that relevant documents were supplied to the respondent both through physical mode and through e-mail and that the contention of the respondent is nothing but an attempt to mislead the court.
8. The complainant submits that the show cause notice was furnished to the respondent for the project namely Vastu Vihar Chhapra Phase 2. The complainant submitted that the respondent has undertaken different projects under the broader category of Vastu Vihar Chhapra Phase 2 in the same parcel of land that is in Khata No. 197 and Plot No. 4340 situated in the mauza “Barhampur”. The complainant has elaborated that

the respondent has applied before the Authority for two projects under Phase 2 namely Vastu Vihar Chhapra Phase 2 Extension 1 and Vastu Vihar Commercial Complex Chhapra Phase 2. The application for the registration of the former project was rejected while the latter project was given registration.

9. The complainant further submitted that the total area of land comprising both the project is only 1442.56 sq. mt which is on record based on the application submitted by the respondent company before the Authority. The complainant submitted that on contrary the respondent has constructed residential bungalows on more than 5500 sq. mt. area of land and the same is evident through the technical report. In his submission, it was stated that the respondent has constructed residential bungalows on the area for which the respondent has taken registration for the construction of commercial space.
10. The complainant submitted in the rejoinder, a notification dated 08.02.2019 issued by the Urban Development & Housing Department, few pictures of the project and details of Jamabandi of the land parcel in which all the project is situated. The complainant on the basis of all the document has submitted that the Vastu Vihar Chhapra Phase 2 Extension 1 came under the planning area post issuance of the notification but without taking RERA registration the respondent has continued construction of residential bungalows as on now which is evident from the pictures of the site visit. The complainant has submitted that without taking RERA registration the respondent has sold various parcel of land

within the project area thereby violating the provision of Section 3 of the RERA Act, 2016.

11. The complainant's submission emphasis that the non-compliance by the respondent demonstrates a deliberate disregard for regulatory norms and warrants the initiation of proceedings under Section 59 for penal consequences, and if required, further investigation under Section 35.
12. Heard the parties and the Authority has perused the materials placed on record and taken note of the submissions made by the parties.
13. The bench first feels the need to address the contention of the respondent with respect to non-availability of the documents on which the case has been commenced. During the course of hearing, the respondent laid emphasis various a time regarding the need of furnishing proper document on account of non-readable situation of the document. The two documents which the respondent referred was the kml file and a copy of sanctioned map submitted by the respondent to the Authority.
14. It is clarified on the basis of arguments placed during the course of hearing that the respondent was not only well versed with the grounds on which the case was initiated but has placed his argument on the basis of kml document which he contended not to be readable. Thus, it is clear that not only the respondent had the clear notice of the point of contention against them but was placing argument on the same constructive documents which he asserted not to be clear or on the ones which at one point of time was submitted by the respondent itself to the Authority. The

same act of the respondent seemed nothing but a condemnable way to buy the time of the court.

15. In the instant case, it is important to simplify the various contentions submitted by both the parties to reach a comprehensive decision with respect to violation of Section 3 by the respondent. On the basis of the submissions by both the sides and materials placed on record it is clear that the respondent on the same parcel of land that is in Khata No. 197 and Plot No. 4340 has undertaken different project under the broad nomenclature of Vastu Vihar Chhapra Phase 2 which includes three projects; first is the Vastu Vihar Phase 2, existence of which has not been proved by the respondent through any document, second is the residential project namely Vastu Vihar Chhapra Phase 2 Extension 1 and third is the commercial project namely Vastu Vihar Commercial Complex Chhapra Phase 2.
16. The contention of the complainant with respect to the commercial phase stated that the respondent has constructed residential bungalows on the commercial phase. The same contention has been denied by the respondent. The respondent has submitted that the land is still vacant. Since, the technical report is not clear with respect to the specification of commercial area and whether construction has been made on that area or not, the contention of the complainant cannot be accepted.
17. Having said that, on a bare perusal of the technical report, it seems that the same is overarching and clear with respect to the exceeded construction undertaken by the respondent on the said parcel of land. The

respondent has submitted that the area consists of all the three project, but out of which two project as mentioned by the complainant comprises total of 1442.56 sq. mt. The respondent has failed in absence of any supporting document in proving that the exceeded area is of the project namely Vastu Vihar Chhapra Phase 2, a project for which no document has been placed by the respondent either to show the total area of land or of its existence for that matter.

18. The complainant has satisfactorily proven that the respondent has undertaken construction of residential bungalow in the said land parcel even after the said area was brought under the planning area authority. Even if the contention of the respondent is accepted that the residential bungalow belongs to Vastu Vihar Phase 2 Extension 1 which was commenced when the area was not under planning area, the same cannot be a shield for the respondent to not register the project under the Act post modification in the planning area. The pictures of site visit show residential bungalow under construction and the jamabandi details of land parcel clearly establishing the multiple mutation after the modification of the planning area. The respondent on the other hand did not place any satisfactory explanation as to the reason of under constructed building or of the selling of parcel of land in the said project.
19. Thus, as emphasized by the complainant, the case in hand clearly stipulates the violation of Section 3 of the RERA Act, 2016 by the respondent for the project in question namely “Vastu Vihar Chhapra Phase 2 Extension 1”. Section 3 of the RERA Act, 2016 prohibits

promoter to advertise, market, book, sell or offer for sale or invite persons to purchase in any matter any plot, apartment or building as the case may be in any real estate project in any planning area without registering the real estate project with the Real Estate Regulatory Authority unless the project falls under the ambit of exception as provided under Section 3(2) of the Act.

20. The respondent has failed in proving the completion of “Vastu Vihar Chhapra Phase 2 Extension 1”. On the other hand, various advertisement of the project, the under constructed residential bungalow and the multiple mutation shown in jamabandi proves and established the fact that the respondent has dealt in the construction and selling of parcel of land in question without registering the same under RERA Act, 2016. This, thus clearly violated the mandate of Section 3 of the RERA Act, 2016.
21. It is important to mention herein that the order dated 20.09.2022 in the case RERA/SM/04/2018 orally submitted by the respondent is with respect to Vastu Vihar Chhapra-2 and Vastu Vihar Chhapra Phase 2 Extension 1 or commercial phase. On bare perusal of the order, it is clear that the order neither specifies whether the same is with respect to Phase 2 or some other project nor it mentions the details of the land parcel associated with the case. If the order is associated with the project Vastu Vihar Phase 2, it has no bearing on the instant case as the violation has been committed with respect to Vastu Vihar Chhapra Phase II Extension I.

22. The materials submitted on record in the form of site report, land details and various advertisement flaunting on various platforms clearly establishes that the respondent actively developed and promoted its project, Vastu Vihar Chhapra Phase 2 Extension 1 under the broader project of Vastu Vihar Chhapra Phase 2 under the mauza “Barhampur” that comes under the planning area. Accordingly, the material on record not only proves the act and intention of the respondent in offering and selling units of residential bungalows but through such promotional activity without prior registration as required, the respondent has violated the Section 3 of the Real Estate (Regulation and Development) Act, 2016.
23. As asserted in their defense, the respondents have failed to produce any credible or substantive evidence to rebut the materials available against them rather in their reply have attempted to mislead the court. The respondent has failed in proving the existence of the project namely Vastu Vihar Phase 2 which the respondent claims that the exceeded land belongs to, the respondent has also failed in giving any satisfactorily explanation as to why the construction is still undertaken or the parcel of the land in the project is sold without taking RERA registration. This directly attracts the applicability of Section 3 of the Real Estate (Regulation and Development) Act, 2016. The respondent’s plea is devoid of any substantive averments or credible evidence to demonstrate that the violation has not been committed by them.

24. The Authority is of the considered view that the actions of the respondent amount to clear violation of the mandatory requirement of prior registration of the project under Section 3 of the Real Estate (Regulation and Development) Act, 2016. Such conduct not only undermines the intent of the statute, defeats the interest of the allottees but also attracts penal consequences as provided under Section 59.
25. In view of the above findings, it is established that the respondent company has contravened the provisions of Sections 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly, for contravening the said provisions and in consideration of safeguarding the interests of genuine homebuyers and to safeguard the objective and spirit envisaged under the RERA Act, the Authority imposes penalty against the promoter under Section 59(1) of the Act which states that on contravention of Section 3 of the Act, the promoter shall be liable to a penalty which may extend upto 10% of the estimated cost of the real estate project as determined by the Authority.
26. With respect to the quantum of punishment, the cost of the land of the project is Rs. 7,26,468/- and the cost of the development is 1,34,45,000/- as based on the application submitted on 2.01.2019 by the respondent making the total estimated cost of the project as Rs. 1,41,71,468/-. In view of the above findings, for contravening the said provisions and in consideration of safeguarding the interests of genuine homebuyers and to safeguard the objective and spirit envisaged under the RERA Act, the

Authority hereby imposes a penalty of **Rs. 14,17,146.00/-** in accordance with Section 59(1) of the Act.

27. The penalty amount, 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.
28. The Concerned Circle Officer is directed to procure the details of the plot and thereby not to proceed with the mutation of any plot falling within the area of the said project land till further order by the Authority.
29. The Authority further directs the office to issue a letter to the I.G. Registration, Bihar to issue letter to all the concerned DSRS's / Sub-Registrars of Patna to impose a blanket ban on execution of sale deed for the project namely Vastu Vihar, Chhapra, Phase – II, Extension – I of the respondent - M/s Technoculture Building Centre Pvt. Ltd.
30. The office is directed to act accordingly and issue necessary directions to all concerned

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

Sd/-

(Alok Kumar)
Secretary
RERA, Bihar