



REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Secretary, Shri Alok Kumar, RERA, Bihar.

RERA/SM/755/2025

Authorised Representative of RERA Complainant
Vs
M/s Shital Buildtech Pvt. Ltd ... Respondent

Project: Shital Green City

Present: For Complainant: Mr. Shiv Sang Thakur
For Respondents: Mr. Sharad Shekher

30.07.2025

ORDER

1. Hearing taken up. Learned legal representative Mr. Shiv Sang Thakur appears on behalf of the RERA. Learned Counsel Mr. Sharad Shekhar appears on behalf of the respondents.
2. A Suo Motu proceeding has been initiated against the promoter in respect of the project “**Shital Green City**” 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 notice issued to the respondent, the measure of the thrust of the respondents was that the project in question is registered under RERA Act, 2016 before the Authority. The respondent further submits that the project is in mauza namely “Dumri Bujurg” and that conveyance deed has been executed in favor of various allottees. The promoter further submits that the project has been completed by 2022 and to substantiate the same the respondents has attached completion certificate dated 01.02.2022.
4. The legal representative of RERA to corroborate the contention levied against the respondent submits that the project was registered vide registration no. BRERAP00448-5/787/R-680/2019 having 26.06.2019 as the end date of the completion of the project. The complainant further submits that the promoter has willfully failed to comply with the mandatory provisions of Section 3 read with Section 4 of the Real Estate (Regulation and Development) Act, 2016, despite being fully aware of the statutory requirement of taking extension of the registration of the project "**Shital Green City** " with the Authority before undertaking any further development, marketing, or sale activities after lapse of the registration period.
5. The legal representative of RERA has submitted the arguments on several points. Firstly, the respondents submits that the period of registration of the project ended on 26.06.2019 and subsequent to the same the promoter had the legal obligation to apply and acquire the extension of the registration of the project. The complainant submits that neither the respondent took extension of the project nor submitted any completion certificate before the Authority on lapse of the registration period.
6. Furthermore, the counsel submits various jamabandi of land parcel of the project in question which shows multiple mutation lapse of the

registration period of the project particularly in land parcel having details of Khata No. 1483 and Plot No. 1152, Khata No. 1651 and Plot No. 1139 respectively, Khata No. 1135 and Plot No. 1120, Khata No. 699 and Plot No. 5170. The complainant thus submits that the respondent while advertising the project has dealt in selling and purchasing for the purpose of development of the project in question without taking extension of the project under RERA Act, 2016.

7. Secondly, the complainant submits that the completion certificate submitted by the respondent is invalid and not proper. The complainant submits that neither the completion certificate has issuance date and nor it has any bearing of execution from the local authority empowered to issue the same at the time of issuance of alleged completion certificate.
8. The complainant further submitted that the promoter's actions not only undermine the intent and purpose of the Act, which is to bring transparency, accountability, and consumer protection in the real estate sector, but also prejudice the interests of allottees who may be induced into transactions without the safeguards offered by a registered project.
9. The non-compliance demonstrates a deliberate disregard for regulatory norms and warrants initiation of proceedings under Section 59 for penal consequences, and if required, further investigation under Section 35.
10. The technical report along picture of geo-tag pertaining to the project land in contravention was placed on record. From the report it transpires that the respondent has advertised through the medium of sign board and on YouTube of project. The report submitted by the concerned Circle Officer, Sonpur (Saran) shows multiple mutation as well post lapse of the registration of the project.

11. Heard the parties and the Authority has perused the materials placed on record and taken note of the submissions made by the parties.
12. The term Advertisement has been defined under Section 2(b) of the Real Estate (Regulation and Development) Act, 2016 as follows:

“Advertisement” means any document described or issued as advertisement through any medium and includes any notice, circular or other documents or publicity in any form, informing persons about a real estate project, or offering for sale of a plot, building or apartment, or inviting persons to purchase in any manner such plot, building or apartment, or to make advances or deposits for such purposes.”
13. The materials submitted on record in the form of a technical report, report from the concerned circle officer and advertisement, clearly establishes that the respondent actively developed and promoted its project, “*Shital Green City*” not only by offering units for sale but also by advertising, at various platforms. Such promotional activity with selling of the parcel of land, undertaken without extension of the registration post lapse of the registration, constitutes a violation of Section 3 and Section 6 of the Real Estate (Regulation and Development) Act, 2016. Consequently, the advertisement in question squarely falls within the definition provided under Section 2(b) of the Act.
14. As asserted in their defense, the respondents have failed to produce any credible or substantive evidence to rebut the materials available against them, or to justify the reason of non-extension of the project after lapse of the registration period or regarding the advertisement made at the site and on YouTube promoting the project.

15. The respondent has actively promoted and facilitated the sale of plots evident from the details of jamabandi provided by the circle officer the project without taking extension of the project with this Authority, thereby violating the provisions of Section 3 and Section 6 of the Real Estate (Regulation and Development) Act, 2016.
16. The technical report placed on record including geo-tagged images of the site, advertisement, details of multiple mutation found clearly establishes that the project was being marketed and promoted in a structured and commercial manner. This directly attracts the applicability of Section 3 and Section 6 of the Real Estate (Regulation and Development) Act, 2016. The respondent's plea challenging the technical report is devoid of any substantive averments or credible evidence to demonstrate that the contents of the report is imaginary. Accordingly, the objections raised by the respondent are found to be baseless and devoid of merit.
17. It was further observed that the completion certificate submitted by the respondent is not valid as per Bihar Building Bye Laws, 2014 and thus hold no value. The certificate does not have issuance date neither it has the signatures of the landowner or promoter for that matter. Most importantly, the completion certificate is wanting in the receiving of the local authority authorized to issue the same at the time of alleged issuance of the completion certificate in 2022. Even if the said completion certificate is taken to be true, the respondent has violated the provisions of RERA Act, 2016 by not taking extension of the project after lapse of the project in 2019 and undertaking selling of different parcel of land in the project during 2020 to 2022.
18. The other pleas advanced by the respondents, whether in their reply or in their objection to the rejoinder, are devoid of any merit and are therefore rejected.

19. The respondent has actively promoted through advertisement with an intention to facilitate the sale of plots in a project that is now not registered with this Authority, thereby violating the provisions of Section 3 and Section 6 of the Real Estate (Regulation and Development) Act, 2016.
20. The technical report placed on record including geo-tagged images of the site, signage boards clearly establishes that the project was being marketed and promoted in a structured and commercial manner. This directly attracts the applicability of Section 3 and Section 6 of the Real Estate (Regulation and Development) Act, 2016.
21. 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.
22. With respect to the quantum of punishment, the cost of the land of the project is 250 Lakh and the cost of the development is 60 Lakh thus making the total estimated cost of the project as 310 Lakh. 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 hereby imposes a penalty of **Rs. 31,00,000/-** in accordance with Section 59(1) of the Act.

23. 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.
24. 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 Shital Green City of the respondent - M/s Shital Buildtech Pvt Ltd.
25. The Concerned Circle Officer is directed to not to proceed with the mutation of any plot falling within the area of the said project land till further order by the Authority.
26. The office is directed to act accordingly and issue necessary directions to all concerned mentioning the full details of the Project including land details.

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

Sd/-
(Alok Kumar)
Secretary
RERA, Bihar