

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh,
RERA, Bihar**

RERA/SM/39/2026

Authorised Representative of RERA

...Complainant

Vs

M/s Realex Servicon Pvt. Ltd.

.....Respondent

Project: Awadh Ashiyana

**Present: For Complainant: Ms Ojaswi Ishani, Advocate
For Respondent: Mr Sharad Shekhar, Advocate**

02/09/2026

ORDER

1. The matter was last heard on 20.08.2026. After hearing both the parties, the order was reserved and is being pronounced today. Ms Ojaswi Ishani, learned counsel, appears for the complainant/Authority. Mr Sharad Shekhar appears on behalf of the respondent.
2. This case has been initiated against the respondent-promoter under Section 35 and Section 59 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act"), for the non-registration of the Project "Awadh Ashiyana". Accordingly, a show cause notice dated 12.06.2026 was issued to the Respondent-Promoter by registering a suo-motu case, seeking an explanation.
3. The aforesaid notice and proceedings were initiated on the basis of inquiry and physical verification conducted by a team constituted by

the Authority along with team of District Administration, Muzaffarpur. During the verification an advertisement was found to be circulated on an online platform, which *prima facie* reveals that, in contravention of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016, the respondent has advertised this project on online platform and has thus invited prospective buyers without obtaining the registration of the said advertised project as mandated under the Act.

4. The learned legal representative of the Authority submitted that the promoter is marketing the project by means of advertisement in violation of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, without obtaining the mandatory registration of the project with the Authority as required under the Act.
5. The Respondent submitted that the landowner had purchased the plot in question and was not engaged in the sale thereof. It was further contended that Mauza Dharamuha, where the subject land is situated, in Anchal Kurhani, lies outside the notified planning area. The Respondent further stated that the adjoining parcel of land, situated at Mauza Chandrahatti in Kudhani, also falls outside the planning area.
6. He further submits even if he is willing to get his project registered, he is helpless as there is no competent authority declared by the state government, which could sanction the map outside a planning area. He therefore prays for dropping this case.
7. The learned legal representative for the Authority-Complainant submitted her report dated 21.08.2026 mentioning therein that on

basis of notifications and records available on UDHD and RERA site as on date, it has been ascertained that Mauza Dharmuha, situated in Anchali Kurhani, does not fall within the notified Planning Area. It is thus established that the land/project in question is situated outside the planning area. Also, no act per se has been found in violation of Section 3 of the Act, nor there is any evidence regarding the sale and booking for the same. In absence of concrete proof, it cannot be said that the promoter has acted in the contravention of section 3 of the Act.

8. In view of the above, learned counsel for the Authority-Complainant prays for the present proceeding to be dropped. However, as per the last direction, no further reply or notes of argument has been filed by the respondent.
9. After perusing the material placed on record and considering the submissions of both the parties, and in view of the fact that, as on date, the project falls beyond the planning area and no other evidence contrary to the same establishing any violation of Section 3 of the Act is available in respect of the project in question, the present *suo motu* proceedings initiated under Sections 35 and 59 of the Real Estate (Regulation and Development) Act, 2016, vide show cause notice dated 12.06.2026, against the respondent for alleged violation of Section 3 of the Act in respect of the project “Awadh Ashiyana” is found to be devoid of merit and is therefore dropped.
10. The District Magistrate, Muzaffarpur is requested to take appropriate and expeditious steps for examining and considering the inclusion of the impugned Mauza Dharmuha, situated in Anchali Kurhani, Muzaffarpur, within the notified planning area, in

accordance with law. This direction is necessitated by the fact that several real estate projects appear to be actively developing in the said area, while seeking to evade the regulatory framework and statutory obligations under the RERA Act on the purported ground that the land falls outside the planning area.

11.The Bench further observes that the continued development and advertisement of such projects, without adequate regulatory oversight, may expose prospective purchasers to significant financial and legal risks. Thus, proving to be detrimental to the overall planned growth of the Real Estate Sector. The mere assertion that a project is situated outside the planning area cannot, by itself, be permitted to become a means of circumventing applicable statutory safeguards, particularly where the projects are being widely advertised and prospective purchasers are being solicited. It is, therefore, imperative that the competent authorities examine the matter at the appropriate level and take such measures as may be permissible in law to ensure that prospective homebuyers and investors are adequately protected from being misled or duped in transactions concerning such unregulated developments.

With these observations, the matter is disposed of.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar