

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Before the Bench of Special Presiding Officer,**  
**Mr. Ved Prakash, RERA, Bihar**  
**Case No: RERA/SM/436/2019**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. Sri Raj Nirmal Homes Pvt. Ltd.**

**...Respondent**

**Project: Nirmala Awas at Naubatpur, Signature Tower at Hathikhana, Signature Garden at Bakhtiyarpur.**

**Present: For Authority: Shri Ankit Kumar, Legal representative.**

**For Respondent: None**

**19.06.2025**

**ORDER**

1. The matter was taken up. Learned legal representative for the Authority is present, but no one appears on behalf of the respondent despite repeated opportunities given to them. Learned legal representative submits that in spite of repeated directions the respondent has failed to appear. Hence ex parte hearing may be done and order may be passed.
2. Considering the submissions and going through the record it appears that even on repeated notices the respondent has not taken pain to appear and file their explanation for advertising and taking booking without prior registration of the above projects. Hence Bench has no option, but hear the case ex parte and pass the final order.
3. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 15.11.2019 to the respondent company for advertising and taking booking in the project Nirmala Awas at Naubatpur, Signature Tower at Hathikhana, and Signature Garden at Bakhtiyarpur without prior registration with the RERA, Bihar and thereby contravening the provisions of section 3 of the Real Estate (Regulation & Development) Act 2016. The promoters were directed to show cause as to why

proceedings under Sections 35& 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them.

4. Learned legal representative for the Authority submits that the respondent-promoter has advertised its project, **Nirmala Awas at Naubatpur Signature Tower at Hathikhana and Signature Garden at Bakhtiyarpur four lane Patna**, without obtaining prior registration from the Authority. In support of his submission, he placed reliance on the advertisements done by the respondent and available on the record.
5. Further learned legal representative by filing Agreement for sale 20.05.2019 executed between Sri Shishikant Kumar, Managing Director of the respondent company and allottee Ravi Shankar Kumar submits that the Director has allotted Plot No. B-49 in Project Nirmal Awas Naubatpur on consideration of Rs.14,40,000/- to the allottee. It means that this project was consisting of at least 50 plots each having area 1500 square feet. He further submits that in like manner there were at least 50 plots in each of the other two projects namely Signature Tower at Hathikhana and Signature Garden, Bakhtiyarpur Four Lane near Railway Station. In this way it categorically appears that the respondents were not only advertising the projects, but also, they were taking booking against the plots in these projects from the allottees.
6. Perused the record. As per first proviso of Section 3 of the Act, all the ongoing real estate projects were required to register by 31st July, 2017 with the Real Estate Regulatory Authority, Bihar. Further, Section 3 of the Act provides that no promoter can advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot, apartment or building as the case may be, in any real estate project or part of it, in any planning area within a State, without registering the real estate project with the Real Estate Regulatory Authority (RERA) established under this Act.

7. The term Advertisement has been defined in the section 2 (b) of the Act 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.”
8. The Bench observes that it is evident from the advertisements placed on the record that promoter advertised these projects without registration with RERA, Bihar and these were published over the website for public view.
9. From the agreement for sale 20.05.2019 executed between Sri Shishikant Kumar, Managing Director of the respondent company and allottee Ravi Shankar kumar it appears that the Director has allotted Plot No. B-49 in Project Nirmal Awas Naubatpur on consideration of Rs.14,40, 000/- to the allottee. It further appears that this project was consisting of at least 50 plots each having area 1500 square feet. It also shows that in like manner there were at least 50 plots in each of the other two projects namely Signature Tower at Hathikhana and Signature Garden, Bakhtiyarpur Four Lane near Railway Station. In this way it there is force in submissions of learned legal representative that the respondents were not only advertising the projects, but also taking bookings and collecting funds from public.
10. The respondents have executed agreement for sale of plot having area of 1500 square feet on consideration of Rs.14,40,000/-. Hence the consideration of such 50 plots will come Rs.7,20,00,000/-.Accordingly the estimated cost of all the three projects will be Rs. 21,60, 00,000/- .
11. Hence, In the light of observations made above, it is established that respondent company has advertised their project and thereby contravened

the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 by not registering their projects **Nirmala Awas at Naubatpur, Signature Tower at Hathikhana and Signature Garden at Bakhtiyarpur four lane Patna**, without obtaining prior registration with the Real Estate Regulatory Authority, Bihar.

12. Therefore the Bench imposes a penalty of Rs 5,00,000/- (Five Lakh Only) under Section 59(1) of the RERA Act, 2016 against the respondent/ promoter, which is less than 0.3% of the total estimated cost of the project. The respondent company have to pay the penalty amount within sixty days of this order and non-compliance with this directive will result an action under provisions of Section 59(2) of the RERA Act, 2016.

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

**Sd/-**  
**(Ved Prakash)**  
**Special Presiding Officer**  
**RERA, Bihar**