

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding Officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/647/2024

Authorised Representative of RERA

...Complainant

Versus

M/s R.R. Builders and Developers Pvt Ltd

...Respondent

Project: Sanchar Nagar, Block-10A

Present: For Authority: Mr. Ankit Kumar, Legal representative.

For Respondent: Mr. Rahul Kumar, Advocate

08.01.2026

ORDER

1. The matter was taken up. Learned legal representative for the Authority and Learned counsels Mr. Rahul Kumar on behalf of the respondent are present.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 28.01.2025 to the respondent company for committing contravention of provisions of section 3 of the Real Estate (Regulation & Development) Act 2016 for advertising and taking bookings in the project-Sanchar Nagar Block,10-A without prior registration with RERA, Bihar. The promoters were directed to show cause as to why proceedings under Sections 35 & 59(1) of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them

for violations of the provisions of Section 3 of RERA Act 2016.

3. Learned legal representative for the Authority submits that the respondent-promoter has taken booking from the allottees/buyers without obtaining prior registration from the Authority. In support of his submissions, he placed reliance on the advertisements of the respondent done through Information QPR and Letter No.419 dated 14.11.2023 issued by Member Secretary, Bihar State Environment Impact Assessment Authority to RERA Bihar.
4. Learned counsel on behalf of the respondent opposed the submissions of the learned representative of the Authority and referring to his replies dated 14.08.2025, he submits that the project Sanchar Nagar has been duly registered with RERA on the basis of a map duly sanctioned by Mukhiya, Lakhani Bigha Panchayat, Danapur vide project registration No.BRERAP00060-2/274/R-464/2019 on 27.02.2019 and subsequent to registration of the project, a letter 29.10.2021 was floated by Authority under signature of OSD vide Memo No.RERA/REG/Misc./49/2021/611, wherein the builders were directed to get their map revalidated /reapproved by the planning Authorities.
5. Learned counsel for the respondent further submits that, upon issuance of the above letter, the respondent applied for revalidation of the map before the Executive Officer, Nagar Parishad, Khagaul. On the basis of the already sanctioned F.A.R., there existed a possibility of constructing one

additional tower. Accordingly, the map was revalidated on 17.02.2022, including an extra Tower/Block No. 10A. Further, the information regarding such revalidation was sent via email to the Authority on 27.07.2022 and was duly received in the office. Since the said tower formed part of the sanctioned/revalidated map, it is on the basis of this revalidation that RERA registered the project. Hence, it is requested that the Authority to include Tower No. 10-A under the same registration number, and the respondent/builder undertakes to pay the requisite charges, if any.

6. Learned counsel for the respondent further submits that, in the facts and circumstances stated above, it is requested that the reply submitted may be accepted and that the show cause notice issued, as well as the Suo Motu case against the respondent, be dropped, as there is no violation of Section 3 of the RERA Act, 2016.
7. Heard the learned counsels of the parties and perused the record. The first proviso of Section 3 of the RERA Act 2016 says that 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.

8. Section 14 of RERA Act 2016 is also reproduced as under: -

(1) The proposed project shall be developed and completed by the promoter in accordance with the sanctioned plan, layout plan and specification as approved by the competent authorities.

(2) Notwithstanding anything contained in law, contract or agreement, after the sanctioned plans, layout plans and specifications and the nature of the fixtures, fittings, amenities and common areas, of the apartment, plot, or building, as the case may be, as approved by the competent authority, are disclosed or furnished to the person who agree to take one or more of the said apartment, plot or building, as the case may be, the promoter shall not make-

(i) any additions and alterations in the sanctioned plans, layout plans and specifications and the nature of fixtures, fittings, and amenities described therein in respect of the apartment, plot or building, as the case may be, which are agreed to be taken, without the previous consent of that person;

Provided that the promoter may make such minor additions or alterations as may be required by the allottee, or such minor changes or alterations as may be necessary due to architectural and structural reasons duly recommended and verified by an authorised Architect or Engineer after proper declaration and intimation to the allottee.

Explanation –For purpose of this clause “minor addition or alterations “excludes structural change including an addition to area or change in height, or the removal of part of building ,or any change to the structure ,such as the construction or removal or cutting into of any wall or a part of wall ,partition ,column,beam,joist,floor, including a mezzanine floor or other support ,or a change to closing of any required means of access ingress or egress or change to fixtures or equipment.

(ii) Any other alterations or additions in the sanctioned plans,layout plans and specifications of the buildings or the common areas within the project without previous written consent of at least two thirds of the allottees,other than the promoter,who have agreed to take apartments in such building.

9. The Bench/Authority observes that the respondent, except for the so-called letter dated 27.07.2022, has neither filed a proper application along with the requisite fee and approved map, nor obtained the written consent of two-thirds of the allottees, as required under Section 14 of the RERA Act, 2016, for the addition of Block/Tower 10-A during the validity period of registration of the project, Sanchar Nagar. As per Section 14 of the Act, 2016, any communication without the prescribed fee and requisite documents cannot be considered for such additions. Hence, the respondent’s plea that information regarding the addition of Block/Tower 10-A was furnished to the Authority is ineffective and not tenable in the eyes of law.

10. The Bench further notes that the respondent promoter has submitted a copy of the completion certificate with respect to the project vide Plan Case No. NKP-Lakhani Bigha/Adampur-RS/B+G+7/2021-2022 dated 17.02.2022, which was duly received by Nagar Parishad, Khagaul on 14.07.2022; however, the respondent has not taken the effort to submit the said copy to the Authority. The letters dated 14.11.2023 and others issued by SEIAA, Bihar to the promoter, with copies marked to the Authority, show that the respondent has also not obtained the requisite certificate from SEIAA for the addition of the said Block/Tower 10-A.
11. Therefore, in light of the observations made above, it is established that the respondent company has advertised and taken bookings for its project, namely Sanchar Nagar Block-10A, without prior registration with the Real Estate Regulatory Authority, Bihar, thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly, the respondent is liable to pay a penalty under Section 59(1) of the RERA Act, 2016.
12. The respondent promoter has estimated the total cost of the project, namely Sanchar Nagar is Rs.80,00,00,000 as mentioned in his application for the registration of the project Sanchar Nagar.
13. Hence, the Bench imposes a penalty of Rs. 4,00,000 (Rupees Four Lakh) under Section 59(1) of the RERA Act, 2016, upon the respondent/promoter, which is less than 1% of the total estimated cost of the project. The said amount shall be paid by

the respondent company within sixty days from the date of this order. Non-compliance with this directive shall result in action under 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