REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/115/2026

Abhishek Choudhary & another .... Complainants

Versus

M/s Gomati Ganga Infracon Pvt. Ltd. .... Respondent

Project: **GANGOTRI KUNJ**

Present: For Complainant: In person
For Respondent No.2: Mr. Kumar Shivam Sinha, Advocate
Mr. Manoranjan Kr. Singh,
Managing Director of the respondent-company
For Respondent No.3:Mr. Aatish Kumar, Advocate
For Respondent No.4: Mr. Rajesh Ranjan, Advocate

15.09.2026 **PROCEEDING**

1. Hearing taken up. Mr. Abhishek Choudhary, who is one of the complainants, appears in person. Learned counsel Mr. Kumar Shivam Sinha appears on behalf of the respondent no.2. Learned counsel Mr. Aatish Kumar appears on behalf of the respondent no.3 and learned counsel Mr. Rajesh Ranjan appears on behalf of the respondent no.4.

2. Mr. Abhishek Choudhary submits that he has gone into the details of the accounts of the respondent-company and has found that only Rs.11,000/- is remaining in the bank account of the company, which makes it clear that the respondent has withdrawn all the money from his bank account without following the required norms as laid in the Real Estate (Regulation and Development) Act, 2026 (hereinafter referred to as the 'Act), which is a clear violation of the provisions of Section 4(2)(l)(D) of the Act. He further submits that a separate account is required to be maintained in a scheduled bank and the promoter cannot withdraw more than the proportionate amount commensurate with the progress of the construction and that too, unless a proper certificate from the Architect, Structural Engineer and Chartered Accountant is given in this regard. He also submits that he has filed a detailed rejoinder and is filing an interlocutory application mentioning therein that only one flat has been completed on fourth floor of the impugned project and that

too, has been in the personal name of one of the Directors of the respondent company and not the respondent-company as a whole. He, therefore, requests that unless restriction on the sale of the flats of the impugned project is

imposed, violation of the provisions of the Real Estate (Regulation and Development) Act, 2016 will continue to happen at the end of the promoter.

3. Learned counsel for the respondent no.2 is present along with the Respondent No.2 i.e. Managing Director, Mr. Manoranjan Kumar Sinha, who submits that he would be filing a detailed reply to the complaint petition and the subsequent rejoinder filed by the complainant. As regards the construction on the fourth floor, he submits that the same has been from personal resources of the respondent. He however fails to justify the sources and also as to why necessary permission for construction of the same has not been obtained from RERA.

4. Learned counsel appearing on behalf of the respondent no.3 requests for some more time to be given to him for filing a rejoinder/counter reply on his behalf.

5. Learned counsel for the respondent no.4 submits that since the interlocutory application and rejoinder has been filed today, an opportunity be given to him to file a reply in this respect.

6. After hearing the submissions of the parties and as per the report received from the Authority, it is clear that no permission for construction of the fourth floor of the impugned project has been taken from the Authority which is a clear violation of Section 11 and Section 14 of the Act.

7. It is, therefore, clear that the respondent has not only violated the provisions of Section 11 and Section 14 of the Act but it also appears that the respondent has also violated the provisions of Section 4(2)(l)(D) of the Act. The respondent is, therefore, directed to show cause as to why a penalty for violation of the abovementioned Sections of the Act be not imposed against the respondent under Section 61 of the Act. The respondent is further directed to produce the relevant evidences in order to prove that he has not violated the provisions of Section 4(2)(l)(D) of the Act by misusing the fund collected from the booking and also without following the prescribed norms.

8. The Compliance Wing of RERA is directed to verify the status of the project from the Quarterly Progress Report (QPR) submitted by the respondent-company. The Compliance Wing shall also verify – whether the fund spent for construction of the project has been done following the provisions of the Act,

Rules and Regulations made thereunder and also as per the Standard Operating Procedure (SOP) issued by the Authority in this regard.

9. Meanwhile, the restriction imposed earlier on the sale of the flats pertaining to the complainant's (land owner's) share upto the third floor (for which permission has already been taken from RERA) and the restriction on the sale of flats at the fourth floor of the impugned project constructed illegally without obtaining permission from RERA and without disclosing the land owner's share, shall remain in force till further orders.

Put up for hearing on 06.10.2026.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner
RERA, Bihar