



## REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Secretary, Shri Alok Kumar, RERA, Bihar.

**RERA/SM/740/2025**

Authorised Representative of RERA

.... Complainant

Vs

M/s Maa Ambey Traders Pvt Ltd.

.... Respondent

**Project: Evergreen Homes**

Present: For Complainant: Mr. Shiv Sang Thakur, Adv

For Respondents: Mr. Mohit Raj, Adv

**04.08.2025**

### **ORDER**

1. Hearing taken up. Learned legal representative Mr. Shiv Sang Thakur appears on behalf of the RERA. Mr. Mohit Raj, learned counsel appears on behalf of the respondent company.
2. A Suo Motu proceeding has been initiated against the promoter in respect of the project "**Evergreen Homes**" on the basis of field inspection made by RERA Team in collaboration with District Administrations, Saran 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 has already been served upon the promoter. It has been further brought to the Authority's attention through the show cause notice 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 issued to the respondents, the respondent has submitted through reply dated 08.07.2025. The respondent has made submission on various grounds including factual and legal. The major thrust of the argument made by the respondent was that the respondent has not commenced any project and neither the project in question is associated with the respondent company. The respondent submitted that the parcel of land mentioned in the coordinate and area mentioned in the legal report belongs to someone else and only a small portion of land measuring 17 dhur belongs to the respondent company.
4. In the matter at hand, the technical report, accompanied by a geo-tagged photograph relating to the purported development project was duly placed on record. According to that report, project namely evergreen homes in mauza “Rajapur” comprises a plotted development of approximately 11343.98 sq. mt. respectively. The report shows the advertisement in the form of signboard on the greenfield of the projects.
5. The legal representative of RERA/complainant have produced the technical report of the projects in question to substantiate the violation of Section 3 of the Act by the respondent company. The complainant initially submitted that the signboard on the project situated in the mauza

“Dumri Buzurg” does prove the violation of Section 3 of the Act by the respondent company. The complainant subsequently through the rejoinder has placed on record the details provided by the concerned Circle Officer which shows that the land parcel in which the signboard was situated is under the name of a person namely Awadesh Kumar Singh and not the respondent company.

6. Heard the parties in length wherein both the parties have made detailed submission on the factual as well legal aspect. The Authority has perused the materials placed on record and taken note of the submissions made by the parties.
7. In order to come to a comprehensive conclusion, the first thing to be examined is whether the respondent company has violated Section 3 of the Act based on the facts placed before the bench.
8. The respondent has categorically made submission and have undertaken in paragraph 5 of their supplementary reply that the respondent company is not running any project in the name of “Evergreen Homes”. The respondent has iterated the fact that the respondent company is yet to file FORM-INC-20A and for the same reason no business activity or real estate project has been initiated or undertaken by the company till date.
9. The respondent has further made submission that the coordinate and area of land mentioned in the technical report does not completely belong to the respondent. The respondent further submits that the respondent company have entered in an agreement for sale dated 15.02.2025 with

landowner namely Awadesh Kumar Singh for a parcel of land measuring 17 dhur in Khata 1109, Plot No. 1739 in mauza “dumri buzurg”. To substantiate the same, the respondent has submitted mother sale deed dated 19.04.1993 showing Awadesh Kumar Singh as the absolute owner of the said land parcel and a report submitted by the amin for the land measurement of 17 dhur in the said land parcel.

10. The complainant produced the report submitted by the circle officer which further substantiate the claim of the respondent. The report submitted by the circle officer shows Awadesh Kumar Singh as the landowner of the property in which the signboard was situated and not the respondent company.
11. Following a careful review of the material placed on record and as per the submission made by the respondent, the conclusion is that the project does not belong to the respondent company. Moreover, the very criteria of any project to fall under the ambit of RERA Act, 2016 is when the total land area exceeds 500 sq. mt. The respondent company has successfully established on the basis of documents submitted that the land parcel belonging to the respondent company is only 17 dhur which is equivalent to 107.47 sq. mt.
12. Thus, as emphasized by the respondent, the case in hand is beyond the criteria laid down for a project to come under the ambit of Section 3 of the RERA Act, 2016. Having said so, it is imperative to mention herein that the respondent has undertaken the fact that the project does not belong to the respondent company and neither any area in the said parcel

of land has been acquired by the respondent beyond 17 dhur as of now. If pursuant to passing of this order, the facts submitted by the respondent is found to be false or contrary to the submission above, then the Authority shall initiate appropriate proceedings against respondent for violation of RERA Act, 2016 or any other law as the case may be.

13. The bench has restricted the observation only to the factual matrix of the case as the same was found to be enough to establish the criteria of violation of the Section 3 of the RERA Act, 2016.
14. Thus, upon going through the records and submissions made by the parties and considering the facts and circumstances, the case against the promoter for violation of Section 3 has not been established.

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

Sd/-  
**(Alok Kumar)**  
**Secretary,**  
**RERA, Bihar**