

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/SM/682/2025

Authorised Representative of RERAComplainant

Vs

M/s Kushika Tradserv Pvt Ltd.Respondent

Project: Basmati Vatika

**Present: For Complainant: Ms Ojaswi Ishani, Advocate
For Respondent: Mr. Sumit Kumar, Advocate**

19/03/2026

ORDER

1. Hearing taken up Ms. Ojaswi Ishani, learned counsel for the complainant/ Authority is present. Mr. Sumit Kumar, learned counsel for the respondent is also present.
2. The present proceeding 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 "JD Mall". Accordingly, a preliminary notice dated 15-11-2024 was issued to the respondent by registering a suo-motu case, seeking an explanation by a subsequent show cause notice on 11-03-2025.
3. The aforementioned case was initiated on account of the fact that the construction of the impugned project continued unabated despite the rejection of registration application and issuance of *Form-D* issued in relation to the above-mentioned project, which was applied for registration. It was revealed that the project was being developed by the respondent, which *prima facie* indicates that, in contravention of the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "the Act"), the respondent has been promoting the instant project and inviting potential buyers without obtaining the

requisite registration as mandated under the Real Estate (Regulation and Development) Act, 2016.

4. The Learned Legal representative of the Authority submits that in proceeding dated 20.01.2026, the bench directed for inspection of site, Pursuant to the inspection conducted by a team of the Authority, it has been reported by the team that the promoter is developing the project in violation of Section 3 of the Real Estate (Regulation and Development) Act, 2016 (“the Act”), without registration of the project with the Authority as mandated under the Act.
5. The respondent has stated that the project was earlier applied for registration on 13.06.2024. However, the said application was rejected on 08.09.2024 bearing letter no 111/2024 owing to some defects found in certain documents as envisaged under the provisions of the Real Estate (Regulation and Development) Act, 2016 (“the Act”) and the Rules framed thereunder.
6. The learned counsel for the respondent submits that it is correct that the said project is being developed by the respondent company; however, the same is still under the process of construction. An application for registration of the said project will shortly be submitted before RERA for consideration. He further submits that the respondent has not violated any provisions of the RERA Act, as the project is being developed entirely out of the respondent’s own resources. It is contended that the respondent has neither advertised nor booked or sold any flat, shop, or part thereof in the said project to any person or institution. In support of these submissions, the respondent has placed on record a Chartered Accountant’s certificate along with

bank statements, which reflect transactions amounting to ₹1,04,45,320/-. These transactions substantiate the estimated cost of development mentioned in the application for registration of the project, which is stated to be ₹3,12,70,520/- since as reported in technical report the project seems only 20% done as basic construction such as brickwork, plastering, MEP installation and common area development are pending.

7. Accordingly, it is submitted that since the construction of the project is still in ongoing stage, the said amount is sufficient to establish that the project is being developed by the respondent from its own resources. The respondent has, therefore, prayed for dropping the proceedings initiated against it.
8. The learned legal representative for the Authority-Complainant submits that the respondent had earlier applied for registration of the impugned project, which got rejected. Thereafter, a Technical Team from the RERA authority visited the project site and submitted its report.
9. She further submits that upon verification of the online platforms, no advertisement pertaining to the impugned project of the respondent company was found. It is also submitted that as per the technical team's report records that the project is still under construction; However, the report does not mention that any notice board or any kind of display has been found at the site during the inspection.
10. After perusing the material placed on record and considering the submissions of both the parties, it is clear that project has been applied for registration with the Authority and that no advertisement has been found at the work site or on online

platform which could establish contravention of section 3 of the Real Estate (Regulation and development) Act 2016.

- 11.**This bench therefore observes that the present Suo Motu proceeding initiated under Sections 35& 59 of the Real Estate (Regulation & Development) Act 2016 vide show- cause notice dated 15-11-2024 and further reminder notice dated 28.01.2025 against the respondent for violation of section 3 of the Real Estate (Regulation & Development) Act 2016 against the Project “Basmati Vatika” is devoid of merit and thus fit to be dropped.
- 12.**This bench requests the I.G. Registration, Bihar for issuing necessary instructions to all the concerned DSRs / Sub-Registrars to impose a complete ban on execution of sale deed of any unit (flat/shop/part thereof) pertaining to the said project “*Basmati Vatika*”by the respondent company and its directors unless a proper registration of the said project is granted by RERA.
- 13.**The Promoter is hereby directed to forthwith submit an application for registration of the impugned project before the Real Estate Regulatory Authority in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016. The Promoter is further restrained from advertising, marketing, or effecting sale of any unit of flat/ shop/ part thereof in the said project until due registration is duly obtained under the Act.

14.The office is directed to take necessary action for implementation of the above directions. With the observations and directions this case is accordingly disposed of.

Sd/-
(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar