



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Hon'ble Chairman Mr. Vivek Kumar Singh, RERA, Bihar

RERA/SM/582/2023

Authorised Representative of RERA.....Complainant

Vs

M/s Matrichhaya Infrastructure & Developers Pvt. Ltd.....Respondent

Project: SAI VATIKA

Present: For R.E.R.A.: Mr Rishikesh Rajan, LR of RERA

For Respondent: Mr Ishtiyaque Hussain, Adv.

05/08/2026

ORDER

1. 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 "Vishnu Vihar". Accordingly, a notice dated 02-03-2023 was issued to the respondent by registering a suo motu case, seeking an explanation.
2. The aforesaid notice and proceedings were initiated on the basis of an advertisement received, circulated through different platform, which *prima facie* reveals 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 promoted this project on different platform and has thus invited prospective buyers without obtaining the registration of the said advertised project as mandated under the Act.
3. The learned Legal Representative of the Authority submitted that the brochure constitutes an "advertisement" within the meaning of Section 2(b) of the Act and establishes that the respondent had advertised, marketed and invited bookings in the project without obtaining prior registration as mandated by Section 3.
4. The learned Counsel for the respondent filed reply dated 29-07-2026 stating therein that the project falls in Mauza – Anandpur and the same is beyond the planning area. The learned counsel for the respondent reiterated the same fact that the project falls beyond the notified planning area. On that basis, it is contended that Section 3 of the Act is not attracted.
5. The learned Legal Representative for the Authority submitted that Mauza – Anandpur falls within the planning area and is duly included in the list of planning areas uploaded on the official website of RERA Bihar. The same was also shown to the learned counsel for the respondent during the course of the proceedings. He further submitted that the respondent had not only advertised the unregistered project but had also mentioned a fabricated RERA Registration No. RERAP01112022125522 to attract innocent allottees with mala fide intent.

6. The learned Legal Representative for the Authority further submitted that, pursuant to the directions of the Authority, the Technical Team submitted its technical report dated 29.08.2023. As per the said report, the Technical Team assessed the estimated cost of the project at approximately Rs. 404.217 crore.
7. Perused the record of the case and took into account the submissions of the parties.
 - (a) Section 2(b) of the Real Estate (Regulation and Development) Act, 2016 provides the definition of “advertisement” which reads as follows:

“advertisement” means any document described or issued as an 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.
 - (b) Further, Section 3(1) of the RERA Act *mandates that no promoter shall 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 thereof, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act.*
8. A bare perusal of the relevant statutory provisions, read with the material placed on record, clearly establishes that the promoter has violated the mandatory requirements of the Real Estate (Regulation and Development) Act, 2016.
9. It is further observed that the contention of the respondent taken in their reply that the project does not fall in planning area is false, misleading, and wholly devoid of merit. The brochures and promotional materials issued by the respondent and circulated on various platforms have been brought on record, which unmistakably disclose the name of the impugned project along with that of the promoter/respondent, and clearly invite prospective purchasers to acquire/purchase plots in the said project. Despite ample opportunity granted, the respondent has failed to adduce any cogent, credible, or authentic evidence to substantiate its defence or to demonstrate the veracity of its assertions during the course of the proceedings. In the absence of any such material evidence, the record as placed establishes, prima facie, a case against the respondent.
10. It is further noted this conduct demonstrates that the promoter has developed an unregistered project, advertised, executed sale deed and sold the plots to the public, which unequivocally demonstrates omission on the part of the respondent to register its project, as mandatorily required under Section 3 of the Act. Such conduct amounts to a clear violation of the statutory obligation cast upon every promoter to apply for and obtain registration of the real estate project prior to undertaking any activity in relation thereto.
11. The Authority observes that the respondent has deliberately mentioned a fabricated RERA Registration Number without obtaining registration of the project under the provisions of the Real Estate (Regulation and Development) Act, 2016. Such an act is a grave and wilful violation of the Act and amounts to a deliberate attempt to mislead and deceive prospective allottees by creating a false impression that the project is duly registered with the Authority. The conduct of the respondent clearly reflects mala fide intent, demonstrates a conscious disregard for the statutory provisions, and constitutes a serious

fraud upon innocent homebuyers as well as the Authority. Such misconduct cannot be condoned.

12. In view of the foregoing observations, the averment of the respondent that it has not advertised the said project is held to be false. It is further evident that, till date, the respondent has failed to take any effective steps for removal or takedown of the said unauthorized advertisements from the public domain.
13. The evidence placed on the record clearly demonstrate the violation of the Act committed by the Respondent on the basis of the fact that the promoter has failed to obtain a valid registration from the RERA for developing and promoting the project Vishnu Vihar.
14. Accordingly, the conduct of the respondent-promoter constitutes a clear statutory violation and squarely attracts the penal provisions as prescribed under the Act.
15. The conduct of the Respondent not only constitutes a violation of the aforesaid provisions of the Act but also strikes at the very object and purpose for which the Act was enacted. The sale of units of the project to the general public without obtaining mandatory registration certificate of the said project reflects a deliberate attempt to circumvent the statutory regulatory framework, derive unlawful economic benefit, and defeat the principles of transparency and accountability sought to be ensured under the Act. Such conduct undermines the authority of the Regulatory Authority and causes serious prejudice to the interests of the allottees.
16. Having regard to the preamble and the legislative intent underlying the Act, as well as the settled dicta of the Hon'ble Supreme Court emphasizing the paramountcy of protection of homebuyers' interests, this Bench is constrained to invoke coercive and deterrent measures against the respondent. The object of such action is to ensure strict compliance with statutory mandates and to prevent gullible and genuine purchasers from being misled or defrauded on account of unregistered and unauthorized dealings by the promoter.
17. Accordingly, the cumulative facts and circumstances on record conclusively establishes the violation of Section 3 of the Act in respect of the project in question committed by the respondent. The contravention thus stands duly established. Hence, keeping in view the objectives of the Act to regulate and promote the real estate sector in a transparent, fair, and accountable manner, the Authority deems it appropriate to impose a penalty of ₹90,00,000/- (Rupees Ninety Lakh only), which is well within the ceiling fixed by the Act for such computation, the scale of the property mentioned in the advertisement given and prevailing markets rates.
18. Accordingly, the above said penalty is hereby imposed upon the Respondent-Promoter for the established violation of the Act. The Respondent is further directed to strictly desist from any such statutory violations in future and to ensure registration of the project immediately by completing all the requisite formalities in accordance with the provisions of the Act and the Rules framed thereunder.
19. The respondent-promoter is hereby directed to deposit the aforementioned penalty amount within a period of sixty (60) days from the date of issuance of this order. Failure to comply with this direction shall attract further action in accordance with the provisions of Section 59(2) of the Real Estate (Regulation and Development) Act, 2016.

20. The Authority further directs the office to issue a letter to the I.G. Registration, Bihar for issuing necessary instructions to all the concerned DSRs / Sub-Registrars concerned to impose a blanket ban on the execution of sale deed of any unit (flat/shop/part thereof) pertaining to the said project "*SAI Vatika*" by the respondent company and its directors.
21. The Authority further directs the Circle Officer of the concerned Anchal not to mutate any land pertaining to the said project by the respondent company and its directors.
22. The Authority further directs the respondents to remove all the advertisements of the projects mentioned above from all mediums within a fortnight.
23. The Office is directed to take all necessary measures to ensure the compliance of the aforementioned directions.

With the above observations and directions, this matter is disposed of.

Sd/-

(Vivek Kumar Singh)
Chairman, RERA, Bihar