# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.5406 of 2026**

**CNR No. BRHC010286832026**

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Aditya Niwas Developers and Colonizers through its Partner Niraj Kumar, male, aged about 47 years, S/o- Late Satya Deo Narayan Singh, resident of Road No.-25-c, Satya Deo Niwas, Rajiv Nagar, P.S.- Rajiv Nagar, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Patna.
2. Real Estate Regulatory Authority, through its Secretary, having its office at 4th and 6th Floor, Bihar State Building Construction Corporation, Shastri Nagar, P.S.- Shastri Nagar, District- Patna.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Bishwash Vijeta,<br>Ms.Priyanka Kumari, Advocates. |
| For the Respondent/s | : | Mr. Shyam Babu Prasad, Standing Counsel (4) |
| For RERA | : | Mr. Prashant Sinha, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**
**ORAL JUDGMENT**

**05-11-2026** Heard Mr. Bishwash Vijeta, learned counsel for the petitioner duly assisted by Ms. Priyanka Kumari, learned counsel, Mr. Shyam Babu Prasad, learned Standing Counsel-4 for the State and Mr. Prashant Sinha, learned counsel representing the RERA.

**2.** The present writ petition has been preferred for the following relief(s):-

*"(I) For issuance of an appropriate writ, order or direction, including a writ in the nature of Certiorari, for quashing and setting aside the impugned order dated 08.01.2026 and the consequential Form-D dated 16.02.2026 issued by*

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*Respondent No. 2 in relation to the Petitioner's proposed project, namely, "CHHABILCHANDRA ENCLAVE", on the ground that the said impugned order and Form-D, purportedly issued on account of alleged non-compliance of notice dated 18.12.2025, are wholly without jurisdiction, ultravires the provisions of the Real Estate (Regulation and Development) Act, 2016, in excess of the powers conferred upon the Authority, and in gross violation of the Bihar Real Estate (Regulation and Development) Rules, 2017, and the applicable Regulations of 2024.*

*(II) For issuance of an appropriate writ, order or direction, including a writ of Certiorari, quashing the impugned Notice dated 18.12.2025 issued by the learned Real Estate Regulatory Authority, Bihar, being wholly without jurisdiction, in excess of the powers conferred upon it, and in gross violation of the provisions of the Real Estate (Regulation and Development) Act, 2016, the Bihar Real Estate (Regulation and Development) Rules, 2017, and the Regulations framed thereunder in the year 2024.*

*(III) For issuance of an appropriate writ, order or direction, including a writ of Mandamus, commanding the Respondents to forthwith declare and treat the Petitioner's real estate project as deemed registered under Section 5 of the Real Estate (Regulation and Development) Act, 2016, in accordance with law and in light of*

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*the authoritative observations and ratio laid down by the Hon'ble Supreme Court in Uttar Pradesh Real Estate Regulatory Authority v. Larsen & Toubro Limited, reported in 2025 SCC OnLine SC 1750, and further to provide the Petitioner with the requisite web-portal login credentials, including user ID and password, for operational access under the Act.*

*(IV) For issuance of an appropriate writ, order/orders, direction/directions in favor of the Petitioner as your Lordships may deem fit and proper in the facts and circumstances of the case.*

**FACTUAL MATRIX**

**3.** The petitioner, Aditya Niwas Developers & Colonizers, a partnership firm acting through its partner Niraj Kumar, is the promoter of a proposed G+3 residential real estate project named “Chhabilchandra Enclave” on Plot No. 1323(P), Mauza Dhanaut, Danapur, Patna. The Patna Municipal Corporation sanctioned the building map and layout of the project on 21.02.2024 (Annexure P-3). On 19.06.2025, the petitioner filed an online application bearing No. RERAP291201800136-5 before the Real Estate Regulatory Authority, Bihar (Respondent No. 2), seeking registration of the project under the ***Real Estate (Regulation and Development) Act, 2016 (for short, “the Act, 2016”)***(Annexure P-1). On

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30.06.2025, Respondent No. 2 issued a set of five queries to the petitioner, and the petitioner replied on 03.07.2025, complying with them and furnishing a reply on one query, which concerned the cooperative society documents (Annexure P-2 series). A further set of queries were raised on 10.10.2025, which the petitioner answered on 30.10.2025.

**4.** On 18.12.2025, about six months after the application was filed, Respondent No. 2 issued a notice under Section 5(1)(b) of the Act, 2016, proposing to reject the application on the ground that three documents had not been furnished: (i) a copy of the bye-laws of Rajiv Nagar Sahkari Grih Nirman Sahayog showing provisions, if any, permitting the society to authorise multi-storied or apartment construction; (ii) approval from the Registrar, Co-operative Societies, expressly permitting conversion of the allotted land from use for a residential house to a multi-storied apartment; and (iii) copies of any amendment or supplementary deed modifying the conditions of the original Sale Deed of 1982, if executed (Annexure P-2). The petitioner was called upon to appear on 26.12.2025. By its reply dated 25.12.2025 (Annexure P-2), the petitioner stated that the society's bye-laws already permit construction of buildings, that a No Objection Certificate had

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been issued by the society dated 24.01.2023, the Office of the Registrar, Co-operative Societies does not issue such NOCs, and no supplementary deed was required.

**5.** The hearing fixed for 26.12.2025 could not be taken up for want of a Bench and was held on 08.01.2026. On that date, the petitioner's counsel prayed for thirty days to file the documents, and the Authority granted time till 05.02.2026, directing that the application would be rejected if the documents were not submitted (Annexure P-4). By Form 'D' dated 16.02.2026, Respondent No. 2 intimated the rejection of the application for non-furnishing of the same three documents (Annexure P-5).

**SUBMISSION ON BEHALF OF THE PETITIONER**

**6.** Learned counsel for the petitioner submits that an application was submitted for the registration of its proposed real estate project, "CHHABILCHANDRA ENCLAVE," on 09.06.2025. The respondent Authority entertained and scrutinized this application, raising its first set of four queries on 30.06.2025, approximately three weeks after submission. Further, the petitioner actively participated in the administrative process, submitting a detailed reply and requisite documents on 03.07.2025, which satisfied queries nos. 1 and 3. Despite this,

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the Authority issued successive queries on 16.07.2025 and 10.10.2025, to which the petitioner promptly responded on 18.07.2025, and 30.10.2025, respectively. He further submits that its continuous cooperation and responses to these queries cannot be construed as a waiver of its statutory rights, nor can administrative correspondence retrospectively erase the application date or indefinitely enlarge the statutory time-limit prescribed by the legislature. Ultimately, the Authority issued a notice proposing rejection on 18.12.2025, passed an order on 08.01.2026, and issued a consequential Form-D on 16.02.2026, long after the prescribed statutory period had expired. It is submitted that Section 5(1) of the Real Estate (Regulation and Development) Act, 2016 (RERA Act) mandates the Authority to either grant or reject an application within a strict 30-days period. Learned counsel relies on the judgment of the Hon'ble Allahabad High Court in ***Larsen & Toubro Limited v. State of Uttar Pradesh & Ors. (2024:AHC:160155-DB)***, which categorically held that the Authority cannot undertake a hair-splitting exercise to ask for documents beyond the scope of Section 4(2), and must exercise its choice to grant or reject within 30 days. This position was affirmed by the Hon'ble Supreme Court in ***Uttar Pradesh Real Estate Regulatory***

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***Authority v. Larsen & Toubro Limited*** reported in ***2025 SCC OnLine SC 1750***, establishing that keeping an application pending beyond the prescribed period results in a "deemed registration" under Section 5(2) of the Act. He further submits that once this deemed registration accrues by operation of law, it divests the Authority of its jurisdiction to subsequently reject the application, rendering the Authority's actions wholly without jurisdiction.

**7.** Addressing the Authority's contention that the application was legally "incomplete" and therefore the 30-days statutory period never commenced, the counsel for petitioner further asserts that the Authority cannot simultaneously claim the application was incapable of being considered while actively keeping it under prolonged scrutiny, issuing successive queries, and eventually passing a formal rejection. To support the strict, literal interpretation of the statutory time limit, counsel for petitioner relied upon judgments of the Hon'ble Supreme Court in ***Hardeep Singh v. State of Punjab and M/s Newtech Promoters and Developers Pvt. Ltd. v. State of U.P.***, emphasizing that courts and authorities must read statutes in their literal sense without rendering substantive provisions otiose or redundant. Furthermore, relying on ***Bhavnagar***

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***University v. Palitana Sugar Mill (P) Ltd. and Sharif-ud-Din v. Abdul Gani Lone***, senior counsel contends that when a statute prescribes a time limit coupled with a specific consequence for non-compliance, that requirement assumes a mandatory character. He also stresses that subordinate legislation, such as Regulation 5 of the Bihar Real Estate Regulatory Authority (General) Regulations, 2024, cannot override, dilute, or defeat the substantive mandate of Section 5(2) of the parent enactment.

**8.** Learned counsel further challenges the Authority's jurisdictional overreach, arguing that RERA is not empowered to act as an appellate or revisional authority over the competent municipal body. The building plan and map for the project had already been duly sanctioned by the Patna Municipal Corporation, which issued a permit letter on 20.02.2025. He relied upon the final judgment of the Division Bench of the Patna High Court in ***Narendra Mishra v. State of Bihar & Ors.*** (CWJC No. 8152 of 2013) dated 23.06.2015, which authoritatively held that the Municipal Corporation is the competent authority vested with the power and duty to ensure constructions conform to its bye-laws. The respondent Authority's reliance on ***M/s Tirupati Homes Pvt. Ltd. v. Municipal Building Tribunal*** is entirely misplaced, as that

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decision relied on interim orders from the ***Narendra Mishra*** case which subsequently merged into the final judgment. Additionally, the ***Tirupati Homes*** judgment is currently stayed by the Hon'ble Supreme Court (Diary No. 24440/2017) and concerns municipal regulations, not the jurisdiction of RERA. The respondent's reliance on the Pre-RERA case ***New India Co-operative Housing Society Ltd*** reported in ***(2008) 9 SCC 694*** is similarly untenable, as it operates in a completely different statutory framework.

**9.** On the merits of the demanded documents, the senior counsel for the petitioner submits that the insistence on an express approval from the Registrar of Co-operative Societies and an amendment to the 1982 Sale Deed falls entirely outside the statutory requirements of Section 4 of the RERA Act and Rule 3 of the Bihar RERA Rules, 2017. He further submits that the petitioner had already demonstrated title and authority by placing the Sale Deed on record and providing a valid “No Objection Certificate” (NOC) dated 24.01.2023, issued by the President of the Rajiv Nagar Sahakari Grih Nirman Sahayog Samiti. Significantly, learned senior counsel points out that the Authority's actions are hit by the vice of hostile discrimination under Article 14 of the Constitution. The Authority previously

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granted registration to a similarly situated project, "LAXMI HEIGHT" (Registration No. BRERAP00408-003/R-1734/2024), based solely on an NOC issued by the co-operative society itself. The Authority's attempt to dismiss this precedent as a mere "error" without showing any intelligible differentia is arbitrary and unreasonable, demonstrating that the petitioner is being subjected to unequal treatment.

**10.** Learned senior counsel for the petitioner vehemently denies any allegations of *mala fide* conduct, asserting that its prompt and detailed participation throughout the registration process proves its *bona fides*, and that such allegations are merely an afterthought devised by the Authority to mask its own failure to discharge its statutory duties. Because the Authority failed to pass an order within the strict 30-days window, the statutory consequence under Section 5(2) automatically came into operation, rendering the subsequent Notice dated 18.12.2025, the order dated 08.01.2026, and the consequential Form-D dated 16.02.2026, wholly illegal, arbitrary, and non-est in the eyes of the law. Consequently, the impugned notice and orders need to be quashed, and a Mandamus is required to be issued directing the respondents to give effect to the accrued statutory consequence by treating the

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project as deemed registered and to provide the requisite web-portal login credentials, including the user ID and password.

**SUBMISSIONS OF THE RESPONDENT NO. 2**

**11.** Learned counsel for the respondents submits that the petitioner has approached the court with unclean hands by concealing material facts and attempting to mislead the court, as the initial application for the "Chhabilchandra Enclave" project submitted on 09.06.2025, was wholly incomplete. He further submits that upon scrutiny, the Real Estate Regulatory Authority (RERA) raised five queries on 30.06.2025, with Query No. 5 specifically requiring the petitioner to submit the Bye-laws of the Rajiv Nagar Sahkari Grih Nirman Sahyog, a No Objection Certificate (NOC) from the Registrar of Co-operative Societies, and copies of any amendment to the sale deed allowing conversion from a residential house to a multi-storied apartment. It is submitted that an application is not considered legally submitted until it is complete in all respects, as defined under Rule 1(ii) and Regulation 5(2) and (3) of the Bihar Real Estate Regulatory Authority (General) Regulations, 2024; therefore, the statutory 30-days timeline for deemed registration under Section 5(2) of the RERA Act never commenced due to the application's persistent deficiencies.

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**12.** He further submits that the demand for these specific co-operative society documents was strictly in accordance with the law of the land, as settled by the Hon'ble Patna High Court in ***Narendra Mishra vs. State of Bihar & Ors.*** *(C.W.J.C. No. 8152 of 2013)* and subsequently affirmed in ***M/s Tirupati Homes Pvt. Ltd. vs. The Municipal Building Tribunal*** *(LPA No. 1485 of 2016)*. It is submitted that these judgments categorically mandate that land allotted by a housing co-operative society for residential purposes cannot be converted to commercial or multi-storied usage unless expressly permitted by the Hire Purchase Agreement, the sale deed, the society's bye-laws, and explicitly sanctioned by the Registrar, Co-operative Societies. He further submits that in the absence of the Registrar's express approval, any internal NOC issued by the society is ultra *vires*, illegal, and holds no legal validity.

**13.** It is submitted that the petitioner deliberately attempted to mislead the Authority by falsely claiming in a reply dated 18.07.2025, that the judgment in ***Tirupati Homes*** had been stayed by the Hon'ble Supreme Court. He further submits that this was a blatant misrepresentation, as the Hon'ble Supreme Court, in SLP (C) Diary No. 24440/2017, only granted an order of "status quo" on 01.09.2017, and did not stay the

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operation of the High Court's legal propositions. Consequently, RERA issued a detailed explanatory letter on 10.10.2025, clarifying that the Sale Deed of the year 1982 only authorized a residential house, and that the Development Agreement of the year 2019 proposing a multi-storied building could not bypass judicial precedents without the requisite bye-laws and Registrar's NOC.

**14.** He further submits that due to the petitioner's persistent failure to cure the deficiencies, a rejection notice under Section 5(1)(b) of the RERA Act was issued on 18.12.2025. It is submitted that during the subsequent proceedings, the petitioner's advocate proactively appeared and sought a 30-days extension, prompting the Special Presiding Officer to grant time until 05.02.2026, *vide* an order dated January 8, 2026, to submit the documents required under Section 4 of the Act and Rule 3 of the 2017 Rules. He further submits that despite this requested extension, the petitioner failed to submit the documents, leaving the Authority with no option but to formally reject the application and issue Form D on 16.02.2026. The petitioner's contradictory behaviour of voluntarily seeking time extensions while subsequently claiming the 30-days statutory period had already lapsed demonstrates

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clear *mala fide* intent and an attempt to take advantage of his own wrongs.

**15.** It is submitted that the petitioner's argument regarding hostile discrimination claiming that similar co-operative society projects were previously granted registration is legally fallacious, as it is a well-settled proposition of law that an omission, oversight, or past mistake by a statutory authority cannot operate as an estoppel or create a legal precedent preventing the authority from lawfully exercising its powers. He further submits that the prior approval of the building map by a competent municipal authority does not preclude RERA from exercising its broad powers under Section 4(2)(m) of the Act to seek any necessary documents for registration. This regulatory authority is supported by the Hon'ble Supreme Court's decision in ***New India Coop. Housing Society Ltd. v. Municipal Corpn. of Greater Mumbai*** reported in **(2008) 9 SCC 694**, which established that the mere approval of a revised plan by a municipal corporation is insufficient for converting plot usage without the necessary co-operative NOCs.

**16.** He further submits that the petitioner's reliance on ***Lavasa Corporation Limited vs. Jitendra Jagdish Tulsani*** **and** ***Uttar Pradesh Real Estate Regulatory Authority vs. Larsen &***

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***Toubro Limited*** is wholly misconceived and distinguishable on facts. It is submitted that in the ***Larsen & Toubro*** **case**, the promoter had properly and completely answered all queries to finalize the application, making the Authority liable for the delay, whereas in the present case, the petitioner willfully prolonged the process and failed to submit the mandated documents. Relying on ***Bhavnagar University v. Palitana Sugar Mill (P) Ltd.*** **and** ***Padmasundara Rao vs. State of T.N.***, the counsel further submits that judicial decisions must be applied with "circumstantial flexibility," as a single differing fact, such as the petitioner's deliberate non-compliance here makes a world of difference, rendering the claim for deemed registration invalid and accordingly, the writ application is fit to be dismissed.

**CONSIDERATION OF THE SUBMISSIONS MADE BY THE PARTIES**

**17.** For arriving to just conclusion in the matter, it would be apt to record the stand taken by the learned counsel for the petitioner in the instant writ petition for seeking the kind of relief in relation to the project in question, which could have been deemed registered in reference to the provisions of Section 5(2) of the RERA Act, 2016, if the same has not been rejected within a period of 30 days from the date of filing of such

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application by the RERA Authorities.

**18.** Admittedly, the petitioner is said to have submitted an application for registration of the project namely, ‘CHHABILCHANDRA ENCLAVE’ on 09.06.2025 which according to the Respondent No.2/RERA was an incomplete application and therefore, the statutory prescription provided under Section 5 of ‘**the Act, 2016**’ was not available. While it is the specific case of the petitioner that the application was filed as per the checklist available on the website of Respondent No.2 and the grounds taken for rejection of petitioner’s application for registration was never part of either the checklist or requirement of requisite documents as embodied under the Provision of RERA Act, 2016 and Rules and Regulations made thereunder. The petitioner is said to have met the first set of queries until 30.06.2025 i.e., approximately, within three weeks after submission of the application and the subsequent queries made from the petitioner could not have retrospectively erased the date on which the application was submitted nor can it indefinitely suspend the statutory obligation cast upon the Authority under Section 5 of the Act, 2016.

**19.** It is the case of the petitioner that the stand taken by Respondent No.2 to negate the effect of deemed registration

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by submitting that the statutory period of 30 days prescribed under Section 5 of the RERA Act, 2016 would not commence until and unless every document subsequently called for by the authority are furnished to the subjective satisfaction of the RERA authorities and as such the submission made by the Respondent No.2 is wholly misconceived and misplaced and is contrary to the statutory scheme. It has also been submitted that if such contention of the authorities of RERA is accepted, in such event, the same would virtually confer an indefinite and unbridled discretion upon the authority to keep an application pending by raising successive queries from time to time and thereby rendering the mandatory time frame stipulated under Section 5(1) as well as the statutory deeming fiction as expressly en-grafted under Section 5(2) of the Act, would become redundant and make it nugatory. Even such constructions being given by the Respondent No.2 cannot be borrowed for the simple reason that the whole purpose and object of the legislation would get frustrated if the authorities of RERA is allowed to seek such information, which does not fall within their jurisdiction rather the same are subject matter of such authorities, who have been empowered under different legislation, which primarily governs the issues related with the

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subject matter connected with the powers and duties of the designated authority under the said legislation.

**20.** It is well settled principle of literal rules of statutory interpretation that where the language employed by the legislature is plain and unambiguous, the Court is bound to give effect to the legislative mandate as it stands and cannot read into the statute words which are conspicuously absent. To buttress his submission, legal maxim '*verbis legis non est recedendum*' (there must be no departure from the words of the law) squarely applies. It is equally settled law that a statutory provision cannot be interpreted in the manner which renders other substantive provision redundant and ineffective and such legal principle can be borrowed from the observation made by the Hon'ble Apex Court in the case of ***Hardeep Singh v. State of Punjab & Ors*** as reported in ***AIR 2014 SC 1400*** wherein it has been reiterated that the Court cannot proceed with an assumption that the legislature enacting the statute has committed a mistake and where the language of the statute is plain and unambiguous, the Court should not go behind the language of the statute so as to add or subtract a word playing the role of a political reformer or of a wise counsel to the legislature. It is also required that the Court should proceed on

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the footing that the legislature intended what it has said and even if there is some defect in the phraseology etc., it is for others than the Court to remedy that defect. The statute requires to be interpreted without doing any violence to the language used therein. The Court cannot re-write, recast or re-frame the legislation for the reason that it has no power to legislate. It has also been submitted by referring to the law laid down by the Hon'ble Apex Court in the case of ***M/s Newtech Promoters and Developers Pvt. Ltd. v. State of U.P. & Ors*** passed in ***Civil Appeal No(s). 6745-6749 of 2021*** that "*the principle of interpretation of law is that the Court should read the section in literal sense and cannot rewrite it to suit its convenience, nor does any canon of constructions permits the Court to read the section in such a manner as to render it to some extent otiose".*

**21.** The aforementioned principles have been referred by the counsel for the petitioner which assumes greater significance in the present case, where the Legislature has not only prescribed a specific period of thirty days for disposal of an application under section 5(1) but has also expressly stipulated the legal consequence of non-compliance under section 5(2) and it is trite that whenever a statute prescribes the manner in which an act is to be performed and simultaneously provides the

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consequence of non-performance, such requirement is mandatory and admits of no deviation.

**22.** To buttress the submission, learned counsel for the petitioner has referred the judgment of Hon'ble Apex Court rendered in ***Bhavnagar University v. Palitana Sugar Mill (P) Ltd & Ors*** as reported in ***AIR 2003 SC 511***, where the Hon'ble Apex Court has held that where a statute prescribes a time limit coupled with a specific consequence for failure to act within such time, the provision assumes a mandatory character. The similar principles have been reiterated by the Hon'ble Apex Court in the case of ***Sharif-Ud-Din v. Abdul Gani Lone*** as reported in ***AIR 303, 1980; 1980 SCR (1) 1177*** , wherein it has been held that where the statute itself provides the consequence of non-compliance, the prescribed requirement cannot be treated as merely directory.

**23.** Learned counsel for the petitioner has also relied upon the judgment rendered by Hon'ble Allahabad High Court which has the occasion to interpret the identical provisions of Section-5 of the RERA Act in ***Larsen & Toubro Limited v. State of Uttar Pradesh & Ors*** reported in ***2024:AHC:160155-DB***, which has since been affirmed by the Hon'ble Supreme Court in ***Uttar Pradesh Real Estate Regulatory Authority v.***

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***Larsen & Toubro Limited*** as reported in ***2025 SCC OnLine SC 1750***, wherein it has been categorically held that the Regulatory Authority has only two options available within the statutory period of thirty days, namely, (i) to grant registration, or (ii) to reject the application. The authority cannot circumvent its statutory obligation by keeping an application pending on the pretext of alleged deficiencies or incompleteness. If the Authority was of the opinion that the Petitioner's application suffered from incurable defects or failed to satisfy the statutory requirements, it was incumbent upon it to reject the application within the prescribed period and having failed to exercise either of the two options available under Section 5 within the stipulated period, the statutory consequences contemplated under Section 5(2) automatically ensued, and since the statutory provisions are clear and unambiguous, Respondent No. 2 cannot now be permitted to defeat such consequence by subsequently, alleging that the application was incomplete or by relying upon successive queries raised beyond the statutory period.

**24.** Insofar the requirement placed by the RERA Authorities seeking society bylaws, an NOC from the Registrar, Co-operative Societies and an amendment/supplementary instrument under Section 4 of the RERA Act read with Rule 3 of

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the Bihar RERA Rules, 2017 is completely beyond the domain of RERA Authorities as the petitioner had already disclosed the sale-deed concerning the project land was on record and had produced the No Objection Certificate dated 24.01.2023 issued by the President of Rajive Nagar Sahkari Grih Nirman Sahyog Samiti and the said fact was specifically brought to the notice of Respondent No.2 through the petitioner's reply dated 03.07.2025, which forms part of the record and such facts, according to the petitioner, have not been denied by the Respondent No.2.

**25.** Insofar, the reliance placed by the Respondent No.2 upon the judgments of this Hon'ble Court in the case of ***Narendra Mishra v. State of Bihar & Ors*** passed in ***CWJC No. 8152 of 2013*** and ***M/s Tirupati Homes Pvt Ltd v. Municipal Building Tribunal & Ors*** rendered in ***LPA No. 1485 of 2016 in CWJC No. 4051 of 2015*** is wholly misconceived and misplaced. To buttress his submission, it has been submitted that the said judgments were rendered in the context of the powers of the Municipal Authorities under the applicable municipal laws while considering the legality of grant of sanction, building regulations and allied statutory compliances. The ratio laid down therein cannot be extended so as to confer upon the Bihar

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Real Estate Regulatory Authority a jurisdiction which is otherwise not vested in it under the provisions of the Real Estate (Regulation and Development) Act, 2016.

**26.** By referring to the aforementioned decisions of this Court, it has been submitted that while exercising powers under Section 4 and 5 of the Act, the Regulatory Authority should not have reopened or reviewed or should have sat in appeal over the decision of municipal authorities or would have proceeded to independently adjudicate upon the legality of a building plan or sanction already granted by the competent Municipal Authority in exercise of its statutory powers. Since the jurisdiction of Regulatory Authority under Section 4 & 5 of the RERA Act is confined to examining whether the application for registration satisfies the statutory requirements prescribed under the Act and Rules framed thereunder. The RERA Authority, who is not vested with the power of acting as an Appellate, Supervisory or Revisional Authority over the orders, permission or sanction granted by the competent Municipal or Planning Authority under the respective Municipal statute, the requirement made only for the purpose of delaying the project from its registration within the statutory time limit by seeking all such information, which were not even germane to the issues

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related with registration of the project and as such, the entire exercise was carried out to defeat and frustrate the legislative object which is wholly uncalled for and is unsustainable in law and deserved to be interfered with and accordingly, interference is sought with the impugned notice dated 18.12.2025 as being liable to be quashed which having been issued after the statutory period had already expired and the subsequent order dated 08.01.2026 which is consequential to the same process cannot be allowed to sustain in law as the authority had already lost jurisdiction to reject the application after expiry of statutory period. Consequently, Form-D dated 16.02.2026 being consequential to the impugned order dated 08.01.2026 is fit to be quashed.

**27.** On the other hand, the learned counsel for Respondent No.2 by referring to the statement made in counter affidavit submits that after filing of application of registration on 09.06.2025, upon scrutiny of the application and the documents annexed thereto, the application was found incomplete and deficient in material particulars. Consequently, within a period of one month i.e., on 30.06.2025, a set of five queries were issued to the petitioner calling upon the petitioner to furnish the requisite documents and comply with necessary requirements

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prescribed under the Act and regulations framed under the RERA Act, 2016.

**28.** The petitioner is said to have submitted the compliance in respect of four out of five queries raised by the authorities, however, the petitioner failed to furnish the requisites with respect to query no.5 stated above instead submitted an application vide reply dated 03.07.2025 which was wholly unsatisfactory and is contrary to the settled position of law laid down by the Hon'ble Patna High Court in the case of ***M/s Tirupati Homes Pvt Ltd (supra) [ LPA No. 1485 of 2016*** arising out of ***CWJC No. 4051 of 2015]*** wherein the Hon'ble High Court has laid down the requirements for construction of multi storied apartment or commercial building in housing co-operative societies. By referring to the judgment rendered in ***M/s Tirupati Homes Pvt Ltd (supra),*** it has been submitted that the documents which were sought from the petitioner were asked in the light of the judgment rendered by this Court in the case of ***M/s Tirupati Homes Pvt Ltd (supra)*** and therefore, the contention of the petitioner that the said judgment has been stayed by the Hon'ble Apex Court may not negate the necessity as rendered by the Hon'ble Court rather it has been contended that since the judgment has been stayed, the need of the

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requisite document as sought by the Authority cannot be said to be wholly uncalled for as the Hon'ble Apex Court has only granted the *status quo* and not stayed the judgment of ***M/s Tirupati Homes Pvt Ltd (supra),*** and therefore, the interpretation which has been given by the petitioner is incorrect, insofar, the petitioner is said to have chosen not to comply with the legal requirement as sought by the Authority.

**29.** The Respondent No.2 has further tried to justify the requirement of seeking sale-deed bylaws of the above-mentioned societies and as also the No Objection Certificate issued by the Registrar, Co-operative Societies which being an essential requirement in line with the judicial precedent as referred hereinabove coupled with the development agreement proposing construction of a multi-storied building and to buttress the submission and justification, the reference of provisions of Section 4, Section 6 and Section 9 of the Act, 2016 has been made. It has also been contended by the Respondent No.2 that the petitioner by concealing material facts as raised objection that the 30 days time line has not been adhered rather according to them had never begun on account of the application being incomplete and, therefore, the relief sought by the petitioner cannot be allowed in their favour as there was no

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compliance of Section 4 of the RERA Act, 2016 and in absence of non completion of formalities as required under the statutory provision, the petitioner could not have got the registration of the project done.

**30.** The submission of the petitioner that RERA Authorities under the aforementioned legislation did not have the power to seek all such document is out and out misinterpretation of statutory law and the law of land and therefore, it has been submitted that Section 4(2) (M) of RERA Act, 2016 is required to be given a wider interpretation as the same provides broad ambit to the authority to seek any information and the documents as may be prescribed from time to time which are necessary for the registration of the project and insofar, the parity having been sought by the petitioner with regard to the similar projects having been approved by the RERA Authorities without seeking all such documents which have been sought from this petitioner, it has been submitted that merely because certain wrongs have been committed, the negative equality cannot be extended in favour of any other person whose project is found to be incomplete in reference to the provisions of RERA Act and its Rules, 2016.

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## CONCLUSION

**31.** Before adjudicating the issues at hand, it is appropriate to appreciate the whole object of the Real Estate (Regulation and Development) Act, 2016 ("the RERA Act") in its true perspective. Its long title is required to be elaborately discussed to give the legislative intent, its true meaning and accordingly, it is being observed that through this legislation the Real Estate Authority is established for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building or sale of real estate project in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto.

**32**. Since the Appellate Forum of RERA is not functional, therefore, the petitioner has preferred the instant writ petition challenging the order passed by the RERA Authority and accordingly, this Court has the occasion to hear the issues raised by the petitioner and adjudicate the same. It is apt to

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mention that the legislators have come up with this legislation to protect the consumers while it equally promotes the real estate sector and also seeks to bring the projects to the market efficiently and without avoidable delay. But the manner in which, the issues have been dealt with by the RERA Authorities in the instant matter, surely invites the attention of this Court to intervene in this case as to why the prescription of time limit given under the legislation, has been given a go-by by the authorities, who are entrusted to act in consonance with the powers and duties provided under the legislation which provides the project to be registered in a time bound frame as per the legislative schemes.

**33.** Driven by this object, the powers of the Authority are limited. It is a regulator created by the statute and can exercise only the powers conferred by the Act and the Rules and Regulations made under it. It is not a planning, licensing or municipal sanctioning authority, nor an appellate or revisional forum over decisions of other statutory bodies. Where the language of the Act is plain, the Court must give effect to it as it stands, without adding or subtracting words and without reading one provision so as to render another otiose: ***Hardeep Singh v. State of Punjab & Ors., AIR 2014 SC 1400; M/s Newtech***

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***Promoters and Developers Pvt. Ltd. v. State of U.P. & Ors., Civil Appeal Nos. 6745-6749 of 2021***. Where the statute fixes a time limit and states the consequence of default, the provision is mandatory: ***Bhavnagar University v. Palitana Sugar Mill (P) Ltd., AIR 2003 SC 511; Sharif-Ud-Din v. Abdul Gani Lone, AIR 1980 SC 303; Uttar Pradesh Real Estate Regulatory Authority v. Larsen & Toubro Limited, 2025 SCC OnLine SC 1750***.

**34.** The documents a promoter must furnish with an application for registration are those listed in Section 4 of the Act, which reads:

> *"4. Application for registration of real estate projects.—*
>
> *(1) Every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be prescribed.*
>
> *(2) The promoter shall enclose the following documents along with the application referred to in sub-section (1), namely:—*
>
> *(a) a brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent authority), and the particulars of registration, and the names and*

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*photographs of the promoter;*

*(b) a brief detail of the projects launched by him, in the past five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending;*

*(c) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;*

*(d) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;*

*(e) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;*

*(f) the location details of the project, with*

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*clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;*

*(g) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;*

*(h) the number, type and the carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas appurtenant with the apartment, if any;*

*(i) the number and area of garage for sale in the project;*

*(j) the names and addresses of his real estate agents, if any, for the proposed project;*

*(k) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;*

*(l) a declaration, supported by an affidavit, which shall be signed by the promoter or any person authorised by the promoter, stating:—*

*(A) that he has a legal title to the land on which the development is proposed along with legally valid documents with authentication of such title, if such land is owned by another person;*

*(B) that the land is free from all*

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*encumbrances, or as the case may be details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;*

*(C) the time period within which he undertakes to complete the project or phase thereof, as the case may be;*

*(D) that seventy per cent. of the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose:*

*Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of the project, in proportion to the percentage of completion of the project:*

*Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project:*

*Provided also that the promoter shall get his accounts audited within six months after the end of every financial year by a*

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*chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for that project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.*

*Explanation.—For the purpose of this clause, the term "scheduled bank" means a bank included in the Second Scheduled to the Reserve Bank of India Act, 1934 (2 of 1934);*

*(E) that he shall take all the pending approvals on time, from the competent authorities;*

*(F) that he has furnished such other documents as may be prescribed by the rules or regulations made under this Act; and*

*(m) such other information and documents as may be prescribed.*

*(3) The Authority shall operationalise a web based online system for submitting applications for registration of projects within a period of one year from the date of its establishment."*

**35.** The three documents on which Respondent No. 2

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insisted while rejecting the application, namely (i) the bye-laws of Rajiv Nagar Sahkari Grih Nirman Sahayog showing power to authorize multi-storeyed construction, (ii) approval of the Registrar, Co-operative Societies, for conversion of use from a residential house to a multi-storeyed apartment, and (iii) any amendment or supplementary deed to the 1982 sale deed, are not found anywhere in Section 4(2). Section 4(2)(l)(F) and (m) permit only such further documents "as may be prescribed", which means prescribed by the Rules or Regulations. Even the conjoint reading of Section 4(2) of the Act read with Rule 3 of Bihar RERA Rules, 2017 does not envisage the requirement any such documents as has been insisted upon by Respondent no. 2. Further, Respondent No. 2 has not shown any such Rule or Regulation, and a wide reading of clause (m), as urged, would make the word "prescribed" meaningless. The Act requires a declaration on title under Section 4(2)(l)(A) and (B), and nothing more; the Authority does not adjudicate title or the validity of a building plan sanctioned by the Patna Municipal Corporation. The decisions in *Narendra Mishra (CWJC No. 8152 of 2013)* and *Tirupati Homes (LPA No. 1485 of 2016)* concern the powers of municipal authorities and by taking aid of the objections, the RERA authority cannot enlarge the

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legislative jurisdiction of the Authority as envisaged under Sections 4 and 5. As against this, the petitioner's application (Annexure P-1) with its annexures covered each head of Section 4(2): the firm and partners, past projects, location and boundaries with latitude and longitude, apartment and parking details, development works, contractor, architect and engineer, the project bank account, the sanctioned building and layout plans, and the land documents, along with the society's No Objection Certificate dated 24.01.2023 produced with the reply of 03.07.2025. Respondent No. 2 has not pointed to any document as required as per Section 4(2) that was missing. The application was therefore complete in terms of Section 4, and the ground of incompleteness, which rests on three documents beyond the said provision, is not sustainable.

**36.** Section 5 of the Act, as reproduced above, provides:

> *"5. Grant of Registration*
>
> *(1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of thirty days,—*
>
> *(a) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id*

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*and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or*

*(b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:*

*Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.*

*(2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within a period of seven days of the expiry of the said period of thirty days specified under sub-section (1), provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project."*

**37.** The Authority was therefore bound, within thirty days of receipt of the application, either to register the project or to reject the application after hearing the promoter. As held in

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***Larsen & Toubro (supra)***, it has only these two courses, and it cannot keep the application pending on a plea of deficiency. The thirty days run "on receipt of the application"; the Section contains nothing which stops or restarts them each time a query is raised. To accept the Authority's stand that the period never began would let it defeat the deeming provision in Section 5(2) by raising query after query, and would render that provision otiose.

**38.** Even if this Court were to accept the plea of the learned counsel for the Respondent-RERA and permit the Authority to demand documents which are not prescribed under Section 4 of the Act, 2016 read with Rule 3 of the Bihar Real Estate (Regulation and Development) Rules, 2017, it would amount to enlarging the powers of the Authority beyond the legislative scope. It is well settled principle that where the Legislature has conferred a definite power on an authority to act in a specified manner and within defined statutory limits, the authority must act strictly within those limits. A Court cannot confer on a statutory authority a power which the Legislature has not given, nor can it permit the authority to travel beyond the statute by reading into its requirements that are not found in its text. Where the Legislature has itself vested a power in an

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authority and has prescribed the manner and limits within which it is to be exercised, the Court cannot step in to legislate on the same subject or to enlarge that power. The Hon'ble Apex Court, in ***Union of India v. Deoki Nandan Aggarwal*** reported in ***1992 Supp (1) SCC 323***, held in paragraph 14 which is reproduced hereinbelow:

> *"14……. It is not the duty of the court either to enlarge the scope of the legislation or the intention of the legislature when the language of the provision is plain and unambiguous. The court cannot rewrite, recast or reframe the legislation for the very good reason that it has no power to legislate. The power to legislate has not been conferred on the courts. The court cannot add words to a statute or read words into it which are not there. Assuming there is a defect or an omission in the words used by the legislature the court could not go to its aid to correct or make up the deficiency. Courts shall decide what the law is and not what it should be. The court of course adopts a construction which will carry out the obvious intention of the legislature but could not legislate itself. But to invoke judicial activism to set at naught legislative judgment is subversive of the constitutional harmony and comity of instrumentalities."*

**39**. The same principle has also been reiterated by the Hon'ble Apex Court in the case of ***Ashwini Kumar Upadhyay v. Union of India***, ***2026 INSC 432***, wherein at

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paragraph-36, it has been held as follows:

> *" 36. It is thus well settled that while exercising its writ jurisdiction, this Court may interpret and develop the law and may also indicate the necessity for legislative reform where the circumstances so warrant. However, the Court cannot issue a writ of mandamus directing the Legislature or the Government to enact a particular law or to introduce a Bill before the Legislature within a stipulated time frame. While the Court may draw attention to the need for legislative action, it cannot compel the Legislature to undertake the law-making function."*

**40.** Further, the application was filed on 19.06.2025, and the thirty days expired on 19.07.2025. The first set of queries was raised on 30.06.2025, and the petitioner replied on 03.07.2025. A second query was raised on 10.10.2025 and was answered on 30.10.2025. Neither grant nor rejection of registration of project followed afterwards. The notice under Section 5(1)(b) was issued only on 18.12.2025, about five and a half months after the petitioner's first reply and over six months after the application. The hearing took place on 08.01.2026, and Form-D rejecting the application was issued on 16.02.2026, about eight months after the submission of online application for registration of project. Respondent No. 2 has neither

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explained this delay in its counter-affidavit/written statement nor at the time of hearing, whereas the petitioner answered the first queries within three days. The Authority's delay must be seen alongside the object of the Act, which is to allow projects to proceed efficiently and without unnecessary delay. The Authority was expected to decide the matter promptly, and if dissatisfied, it should have rejected the application within thirty days. It's conduct runs against the legislative object and the purport of Section 5(2) of the Act, 2016, under which the project stood deemed registered on expiry of the thirty days 19.07.2025, so that the notice of 18.12.2025, the order of 08.01.2026 and the Form-D of 16.02.2026 were issued after the Authority had lost the power to reject.

**41.** The fact that, on 08.01.2026, the petitioner's counsel sought time to file the documents does not alter the legislative mandate, because the deeming consequence arises by operation of law and cannot be waived or undone by a promoter responding to a notice issued after the period had ended. The Court is constrained to observe that the RERA authorities acted very callously, when the matter demanded strict and prompt handling within the time fixed by the Legislature. To set things right, to fulfill the object of the Act and to give effect to the legislative intent in its proper perspective, the deeming effect

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under Section 5(2) must be given full force. Moreover, the Authority had no valid reason for rejection, since the documents demanded do not fall within Section 4 of the Act or Rule 3 of the Bihar RERA Rules, 2017 and on pick and choose basis the project was rejected while similar project in the name of ‘LAXMI HEIGHT’ has been approved. The petitioner has therefore made out a case for issuance of a writ of mandamus to give effect to the deeming clause and to hold the project “CHHABILCHANDRA ENCLAVE” deemed registered, with direction to provide the registration number, login ID and password.

**42.** In view of the observation made above, the present writ application is allowed. The notice dated 18.12.2025, the order dated 08.01.2026 (Annexure P-4) and Form-D dated 16.02.2026 (Annexure P-5) are hereby quashed. The project "Chhabilchandra Enclave" is held to be deemed registered under Section 5(2) of the RERA Act, and further, Respondent No. 2 shall provide the petitioner with the registration number and Login Id and password forthwith from the date of production/receipt of a copy of this order.

**(Ajit Kumar, J)**

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