GAHC010149262026

2026:GAU-AS:16832

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4361/2026

M/S ROODRAKSH
A PROPRIETORSHIP FIRM, REPRESENTED BY ITS PROPRIETOR SRI INDRA MOHAN HAZARIKA, SON OF LATE DADHI MOHAN HAZARIKA, RESIDENT OF 213 B, J.B. ROAD (SUB-WAY), ITACHALI, AMOLAPATTY, NAGAON, ASSAM - 782003, AGED ABOUT 58 YEARS, HAVING ITS OFFICE AT PRABHAT BORA APARTMENT, KAYAPATTY, NEAR CENTRAL BANK OF INDIA, A.T. ROAD, NATUN BAZAR, NAGAON, ASSAM, PIN- 782001.

VERSUS

THE ASSAM REAL ESTATE REGULATORY AUTHORITY (RERA ASSAM), AND 2 ORS
A STATUTORY AUTHORITY CONSTITUTED UNDER THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016, REPRESENTED BY ITS CHAIRMAN, HAVING ITS OFFICE AT NEAR PARIBAHAN BHAWAN COMMISSIONER OF TRANSPORT OFFICE, JAWAHAR NAGAR, KHANAPARA, GUWAHATI -781022, ASSAM

2:THE REGISTRAR
ASSAM REAL ESTATE REGULATORY AUTHORITY
HAVING ITS OFFICE AT NEAR PARIBAHAN BHAWAN COMMISSIONER OF TRANSPORT OFFICE
JAWAHAR NAGAR
KHANAPARA
GUWAHATI - 781022
ASSAM.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
HOUSING AND URBAN AFFAIRS DEPARTMENT
DISPUR
GUWAHATI - 781006
ASSAM

Advocate for the Petitioner : MR. A M BARUAH, MR G K DEKA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 16.11.2026

Heard Mr. A.M. Baruah, learned counsel for the petitioner and Mr. S.S. Roy, learned Junior Government Advocate, Assam for all the respondents.

2. The petitioner has approached this Court invoking extra-ordinary jurisdiction under Article 226 of the Constitution of India to assail an Order dated 19.05.2026 passed by the respondent no. 1 whereby a penalty of Rs. 3,00,000/- has been imposed upon the petitioner as the promoter of a RERA registered project and the penalty is to be paid within a period of three weeks from the date of the Order. The petitioner has also been directed to upload all the pending Quarterly Progress Reports [QPRs] within three weeks from 19.05.2026.

3. From the Order dated 19.05.2026, it is noticed that the respondent no. 1 has observed that submission of Quarterly Progress Reports [QPRs] in respect of a registered real estate project is mandatory under the provisions of the Real Estate [Regulation and Development] Act, 2016 [‘the RERA Act’, for short] and the rules and regulations framed thereunder. In the said Order, the respondent no. 1 has observed that from the records, the petitioner was found to have defaulted in uploading the QPRs from the second quarter of 2023 till March, 2026.

4. Mr. Baruah, learned counsel appearing for the petitioner has submitted that after the Order dated 19.05.2026, all the pending QPRs have been uploaded. Mr. Baruah has submitted that as presently, there is no member in the Real Estate Appellate Tribunal, the petitioner could not file an appeal under Section 44 of the RERA Act before the Appellate Tribunal.

5. On 19.08.2026, notice was issued to the respondents on the issue regarding quantum of penalty imposed upon the petitioner.

6. The respondent no. 2 has filed an affidavit-in-opposition. In the affidavit-in-opposition of the respondent no. 2, it is averred that proceedings were initiated by the Real Estate Regulatory Authority [RERA], Assam in relation to a project, 'Roodraksh Residency', registered with the RERA, Assam vide Registration no. O.RERAA T 30 of 2023-2024 dated 11.05.2023 with validity from 03.03.2023 to 02.02.2026.

6.1. The respondent no. 2 has further averred as under :-

> 6. The Real Estate [Regulatory and Development] Act, 2016 and the Assam Real Estate [R&D] Rules, 2017 and Regulations made thereunder are intended, inter alia to ensure proper regulation and promotion of the real estate sector, transparency in the functioning of real estate projects and protection of the interests of allottees and consumers.
>
> The obligation to furnish quarterly project updates is an important regulatory requirement as mandated under section 11[1] of the Act, 2016 and Rule 16[1][d] of the Rules, 2017. Timely disclosure enables the Authority, allottees and other stakeholders to ascertain the progress and status of a registered project. The requirement is therefore not merely procedural in character.
>
> Records reveal that, as on 19.05.2026, 12 QPRs remained UN-uploaded, with delays extending in several cases beyond one year and in certain cases beyond two years. The petitioner was also called upon, through the show-cause notice dated 27.04.2026, to ascertain the progress and status of a registered project. The requirement is therefore not merely procedural in character.
>
> Records reveal that, as on 19.05.2026, 12 QPRs remained UN-uploaded, with delays extending in several cases beyond one year and in certain cases beyond two years. The petitioner was also called upon, through the show-cause notice dated 27.04.2026,

to furnish certain project-related particulars/information necessary for the Authority to ascertain the status of the project and safeguard the interests of the allottees, which however was not submitted nor any explanation provided for non-submission of the same.

The authority ultimately imposed a single consolidated penalty of Rs.3,00,000/- Rupees Three Lakhs] only taking into consideration the defaults attracting Section 61 & 63 of the Act, 2016. It is specifically denied that Rs.3,00,000/- for the 12 defaults, which otherwise as per Section 63. The total penalty imposed was only Rs.3,00,000/- [Rupees Three Lakhs] only for the 12 defaults, which otherwise as per Section 61 of the Act, 2016 the promoter is liable for penalty upto 5% of the estimated cost of the project even for a single contravention.

12. That with regard to the statements made in paragraph no.6 of the writ petition, the answering deponent while denying the contentions of the petitioner, begs to state that it cannot be the ground to justify the delay in uploading the Quarterly Progress Reports [QPRs].

It is submitted that Rule 16[1][d] of the Assam Real Estate [Regulation and Development] Rules, 2017 specifically provides that the promoter shall upload the prescribed updates on the website for the project within seven days from the expiry of each quarter. The requirement is therefore specific, mandatory and time bound.

Records reveal that, as on the date of hearing, i.e., 19.05.2026, the petitioner had failed to upload 12 QPRs. The QPR for April-June 2023 remained pending for 2 years 10 months 12 days; July-September 2023 for 2 years 7 months 12 days; October-December 2023 or 2 years 4 months 12 Days; January March 2024 for 2 years 1 months 12 days; April-June 2024 for 1 year 10 months 12 days; July -September 2024 for 1 year 7 months 12 Days; October-December 2024 for 1 year 4 months 12 days; January-March 2025 for 1 year 1 month 12 days; April- June 2025 for 10 months 12 days; July-September 2025 for 7 months 12 days; October -December 202 for 4 months 12 days; January March 2026 for 1 Month 12 days.

Thus, several QPRs remained un-uploaded for more than two years and several others

for more than one year. This was a prolonged and continuing failure to comply with a specific time bound requirement.

18. That the statements made in paragraph no. 12 of the writ petition, the answering deponent begs to state that as per the website records, the pending QPRs were subsequently uploaded on 14.06.2026, approximately 25 days after the order dated 19.05.2026.

However, subsequent uploading of the QPRs does not retrospectively efface the default which had already occurred as on the date of hearing and passing of the impugned order. The issue before the Authority was whether the petitioner had complied within the prescribed time. It had not.

Whether the petitioner subsequently uploaded the QPRS after 15 days, 20 days or at any later point was a separate matter and did not retrospectively cure the earlier violation.

19. That the statements made in paragraph no. 13 of the writ petition, the answering deponent begs to state that the contents are dealt with as follows. The preamble of the Real Estate (Regulation and Development) Act, 2016 emphasises proper regulation and promotion of the real estate sector, efficient and transparent functioning and protection of consumers.

Section 11 casts specific functions and duties upon the promoter, including the requirement to maintain and upload updated project information for public viewing.

The regulatory requirement regarding QPRs is therefore an important component of transparency and consumer protection. The petitioner's failure involved 12 QPR and prolonged delays extending beyond one year and, in certain instances, beyond two years.

Section 61 provides the statutory basis for penalty for contravention of the Act, rules and regulations, while Section 63 provides the statutory basis for penalty for failure to comply with orders or directions of the Authority. In the present case, the two provisions relate to distinct defaults, although the Authority imposed only one consolidated penalty of Rs.3,00,000/-.

The estimated cost of the project was declared as Rs.5098.963 Lakhs. Section 61 provide a ceiling of 5% of project cost as penalty. Five per cent thereof was Rs.254.948 Lakhs. The Authority, however, imposed only Rs.3,00,000/- taking a considered view having regard to the circumstances of the case.

The Authority also notes that the petitioner's subsequently submitted QPR for the quarter ending March 2026 disclosed that 91% of the work remained to be completed. The registration had expired on 02.02.2026 and the petitioner had not applied for extension. This is a grave situation jeopardizing the interest of the allottees. These matters may give rise to separate regulatory action in accordance with law, after following due process.

7. Having regard to the mandate under Section 61 of the RERA Act, the petitioner has been imposed a penalty of Rs. 3,00,000/- only for the defaults admittedly committed by the petitioner, as against the permissible amount of penalty of Rs. 254.948 lakhs, this Court does not find any reason, not to speak of any good and sufficient reason, to interfere with the penalty amount of Rs.3,00,000/-, imposed on the petitioner by the respondent RERA, Assam by the Order dated 19.05.2026. Therefore, this writ petition stands dismissed. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant