

REAL ESTATE REGULATORY AUTHORITY, BIHAR

In the Court of Adjudicating Officer

Case No: RERA/SM/182/2018

Authorised Representative of RERA

...Complainant

Versus

M/s. Sri Ram Constructions

...Respondent

Project: The Luxuria

Present: For Authority: Shri Abhinay Priyadarshi, Authorized Legal Counsel.

For Respondent: Mr. Suryakant Kumar, Company Secretary.

30.08.2024

ORDER

The matter was last heard on 06-08-2024. Learned counsel for both the parties were present.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 23.07.2018 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising and taking booking in the project The Luxuria without registering the project with RERA, Bihar. The promoters were directed to show cause as to why proceedings under Sections 35& 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them.

The respondent filed a reply stating that the Project The Luxuria, does not belong to respondent company. It has been further submitted by the respondent that no project in the name of The Luxuria has been constructed and marketed.

Perused the record. The Authority observes that the promoters have evidently advertised their project namely The Luxuria without obtaining registration from RERA, Bihar. Further it is also observed that it is evident from the advertisements placed on the record that promoter advertises this project without registration of the project from RERA. The Authority further observes that from the advertisement on record, it is very much clear that advertisement was published in the website of company, hence, submission of respondent that the project The Luxuria does not belongs to respondent has not established in the light of evidence available on the record.

The Authority takes note that under the first proviso of Section 3 of the Act, all the ongoing real estate projects were required to register by 31st July, 2017 with the Real Estate Regulatory Authority, Bihar. Further, Section 3 of the Act provides that no promoter can 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 projector part of it, in any planning area within a State, without registering the real estate project with the Real Estate Regulatory Authority (RERA) established under this Act.

The term Advertisement has been defined in the section 2 (b) of the Act as follows: “Advertisement means any document described or issued as 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.”

Thus, the Authority holds that the respondents have advertised their project and thereby violated the provisions of Section 3 of the Real Estate (Regulation & Development) Act, 2016.

In the light of observations made above, it is established that respondent company has contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 by not registering their project namely The Luxuria with the Real Estate Regulatory Authority, Bihar, the Authority has decided to levy a penalty as per Section 59(1) of the RERA Act, 2016. Since, the respondent has not declared the estimated cost of the project land, hence, considering the MVR prevailing in the area of the project land, the Authority levy the penalty amount of Rs.15,00,000/-, (Rupees Fifteen Lakh) which is less than 1% of the total estimated cost of the project. This amount is to be paid by the respondent company within sixty days of the issuance of this order, Non-compliance with this directive will result in action under Section 59(2) of the RERA Act, 2016.

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

Sd/-

(Ambrish Kumar Tiwari)

A.O.