

REAL ESTATE REGULATORY AUTHORITY, BIHAR**In the Court of Adjudicating Officer****Case No: RERA/SM/235/2018****Authorised Representative of RERA****...Complainant****Versus****M/s. Anshul Homes Pvt. Ltd.****...Respondent****Project: H2O City, Shiwala****Present: For Authority: Shri Abhinay Priyadarshi , Advocate.****For Respondent: Mr. Jayant Kisto, Advocate****09.08.2024****ORDER**

The matter was taken up. Learned Counsel for Authorities and respondent is present.

Learned counsel for Authority submits that a Suo Motu show-cause notice issued on 15.11.2019 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 **H2O City** 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.

Learned counsel for the respondent presses its reply filed and further submits that the project **H2O City** is registered with the Authority bearing registration

no. BRERAP00031-5/31/R-790/2019. It has been further submitted that respondent-promoter has not made any advertisement pertaining to the project. He further submits that sales team of the company gave the advertisement of the company that merely covers the functions of the company and also never expressly made the use of the words BUY or SELL in the advertisement. He further submits that aforesaid advertisement was not intentional and prays for minimum penalty and also placed on record an order passed in RERA/SM/96/2018 by the Authority on similar subject matter where the Authority has imposed a penalty of Rs.25,000/-.

Perused the record. The Authority observes that the promoter has evidently advertised their project namely **H2O City** 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 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 project or 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 without registering the same with the Authority and thereby violated the provisions of Section 3 of the Real Estate (Regulation & Development) Act, 2016.

Considering that soon after issuance of Suo Motu show- cause notice issued on 15.11.2019, the respondent has registered its project with the Authority and taking into Account the order passed in RERA/SM/96/2018, the Authority has decided to levy a penalty as per Section 59(1) of the RERA Act, 2016. The penalty amount is Rs. 35,000/- (Rupees Thirty-Five Thousand) 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).

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

Sd/-
Ambrish Kumar Tiwari
A.O.