

REAL ESTATE REGULATORY AUTHORITY, BIHAR

In the Court of Adjudicating Officer

Case No: RERA/SM/249/2018

Authorized Representative of RERA

...Complainant

Versus

M/s S.D. Construction and Developers

...Respondent

Project: SHREE GANESH TOWNSHIP DUPLEX BUNGALOW

For Authority: Shri Abhinay Priyadarshi, Advocate

For Respondent: Mr. Rajesh Kumar, Advocate

22.08.2024

ORDER

The matter was last heard on 30-07-2024 and was put up for order on 22-08-2024 and accordingly, it is being pronounced today.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 11.10.2018 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 without registering the project SHREE GANESH TOWNSHIP DUPLEX BUNGALOW 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 the respondent-promoter submits it reply and the same was examined and found to be out of context as the

reply did not contain explanation as to why a proceeding under Section 59(1) of the RERA Act, 2016 be not initiated against him for continued violation of the RERA Act, 2016. Further, despite directions, respondent not furnish its reply in this regard.

Perused the record. The Authority observes that materials available on the record clearly established that the promoters have evidently advertised their project namely SHREE GANESH TOWNSHIP DUPLEX BUNGALOW without obtaining registration from RERA, Bihar.

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 and thereby violated the provisions of Section 3 of the Real Estate (Regulation & Development) Act, 2016.

The Technical Wing placed its report dated 06-11-2023 estimating the cost of the project namely SHREE GANESH TOWNSHIP DUPLEX BUNGALOW.

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 Dream City Bihta 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. The penalty amount is Rs.26,00,000/-, (Rupees Twenty-Six Lakhs) which is around 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/-
(Amrish Kumar Tiwari)
A.O.