

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**In the Court of Adjudicating Officer**

**Case No: RERA/SM/251/2018**

**Authorised Representative of RERA ...Complainant**

**Versus**

**M/s. Meridian Construction (India) Ltd. ...Respondent**

**Project: Meridian Tulip**

**For Authority: Shri Abhinay Priyadarshi, Advocate.**

**For Respondent: Shri Sharad Shekhar, Advocate.**

**12-09-2024**

## **ORDER**

The matter was last heard on 24-06-2024 and was put up for order on 29-07-2024 but due no availability of presiding officer on the said date, the matter was adjourned to 12-09-2024.

The Authority notes that an interim order was passed on 12-10-2023/03-11-2023, with following observations: -

*“The Authority observes that the advertisement should not have been issued in the first instance if the promoter did not wish to sell the flats. The respondent is directed to explain this on affidavit. The Authority also recalls its direction of 20.7.2023 regarding payment of penalty for not withdrawing the advertisement and notes that the reply of the promoter to the show cause notice is not on record. The Authority directs the respondent company to deposit the amount of penalty before the next date of hearing failing which action under Section 40(1) of the Act would be initiated to recover the same”.*

The Authority observes that no affidavit filed in regard to interim order dated 12-10-2023/03-11-2023. However, learned counsel for

respondent during last hearing on 24-06-2024, submitted that he has already filed reply. Perused the materials available on the record. The Authority observes that the promoters have evidently advertised their project namely Meridian Tulip without obtaining registration from RERA, Bihar. Moreover, despite directions of this Authority, respondent has not withdrawn the advertisement and continuously advertising the same which is violation of section 59(2) of the RERA Act, 2016.

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 along with section 59 of the said Act.

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 Meridian Tulip 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, hence, considering the MVR prevailing in area of the project land and other costs, the Authority levy the penalty amount of Rs.25,00,000/- , (Rupees Twenty-Five 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.

The Authority further directs the office to issue Public Demand Recovery Certificate u/s 40(1) of the RERA Act, 2016 read with Rule 25 of the Bihar Estate (Regulation and Development) Rules, 2017 read with Section 4/5 of the Bihar and Orissa Public Demand Recovery Act, 1914 and send a copy to the Collector, Patna, for recovery of the penalty amount imposed vide direction dated 20-07-2023

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

Sd/-

**(Ambrish Kumar Tiwari)**

**A.O.**