

REAL ESTATE REGULATORY AUTHORITY, BIHAR**In the Court of Adjudicating Officer****Case No: RERA/SM/437/2019****Authorised Representative of RERA****...Complainant****Versus****M/s. Delcon Homes Pvt. Ltd.****...Respondent****Project: Dream City At Bihta, Patna****Present: For Authority: Shri Abhinay Priyadarshi, Authorized Legal Counsel.****For Respondent: Mr. Mukesh Kumar & Sharad Shekhar,
Advocate****22.07.2024****ORDER**

The matter was taken. Learned counsel for Authority along with Learned Counsel for Respondent company is present.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice 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 **Dream City At Bihta, Patna** 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 company had acquired some land for developing a housing colony named **Dream City Bihta**

and given an advertisement in daily newspaper for introduction and due to lack of knowledge of the provisions of the Act, such violation has made out and sought apology for the same.

Learned counsel for respondent during the course of hearing, seeks apology and prays to levy minimum penalty as violation is not intentional.

Perused the record. The Authority observes that the promoters have evidently advertised their project namely **Dream City Bihta** 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.

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. 1,00,000/-, (Rupees One Lakh) which is less than around 0.50% 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.