

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**In the Court of Adjudicating Officer**

**Case No: RERA/SM/438/2019**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. Reliant Realtech Pvt. Ltd.**

**...Respondent**

**Project: Star City at Bihta, Danapur**

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

**For Respondent: Mr. Punit Kumar, Advocate**

**29.08.2024**

## **ORDER**

The matter was last heard on 22-07-2024 and was put up for order on 29-08-2024 and accordingly, the order is being pronounced today.

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 **Star City at Bihta, Danapur** 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that project against which this Suo Motu proceedings initiated is outside the planning area and hence the project was withdrawn by the respondent company. It has been further submitted that due to technical fault of the operator the

advertisement was not removed from the former website and respondent has never paid attention for which respondent sought apology as the same was not intentional and prays for minimum penalty.

Perused the record. The Authority observes that the promoter averments that project does not belong to planning area is wrong as the Block- Bhita falls under the planning area. The Authority further observes that the promoter has evidently advertised their project namely Star City at Bihta, Danapur 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 and made allotment after the enactment of the RERA Act 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.

In the light of observations made above and considering the apology sought, 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 Star City at Bihta, Danapur 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.40,000 /- (Rupees Forty 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.**