

REAL ESTATE REGULATORY AUTHORITY, BIHAR

In the Court of Adjudicating Officer

Case No: RERA/SM/471/2021

Authorised Representative of RERA ...Complainant

Versus

M/s. Metro Sky Construction Pvt. Ltd. ...Respondent

Project: Raj Enclave, Patna

For Authority: Shri Abhinay Priyadarshi, Advocate.

For Respondent: Shri Suryakant Kumar, C.S.

04.07.2024

ORDER

The matter was taken. Both the parties are present.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 17.02.2021 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 **Raj Enclave, 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 the project does not fall under the ambit of the RERA Act, 2016 as the project land is under 500 Sq. Meter. To substantiate his plea respondent has placed on record development agreement dated 16-11-2016 and Map plan dated 03-02-2017.

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.”

Perused the materials placed on record and considering the submissions of respondent that project land is under 500 Sq. Meter. and same is not fall under the ambit of section 3 of the RERA Act, 2016, the Suo Motu proceeding initiated under Sections 35& 59 of the Real Estate (Regulation & Development) Act, 2016 vide show- cause notice dated 17.02.2021 for violation of section 3 of the Real Estate (Regulation & Development) Act, 2016 is being dropped against the respondent company for the project **Raj Enclave, Patna.**

With these observations, this matter is disposed of.

Sd/-

(Amrish Kumar Tiwari)

A.O.