

REAL ESTATE REGULATORY AUTHORITY, BIHAR

In the Court of Adjudicating Officer

Case No: RERA/SM/549/2022

Authorised Representative of RERA

...Complainant

Versus

M/s. Virara Developers Pvt. Ltd.

...Respondent

Project: Vaidehi Ashram

Present: For Authority: Shri Abhinay Priyadarshi, Authorized Legal Counsel.

For Respondent: Shri Maharana Pratap, Advocate

23.08.2024

ORDER

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 01.08.2022 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 Vaidehi Ashram 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 Vaidehi Ashram does not belongs to respondent and advertisements on record is not issued by the respondent.

The Technical Wing placed on record the report dated 02-09-2024 in regard to estimated cost of the project along with the site photographs of the project.

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 record. The Authority observes that the advertisement placed on record is of 2022 and it is evident that same belongs to promoter only. However, plea of respondent has not substantiated by any evidence from which it established that respondent has not advertised the project and violated section 3 of the RERA Act, 2016. 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 Vaidehi Ashram 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. 4,00,000/-, (Rupees Four Lakh) 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/-
Ambrish Kumar Tiwari
A.O.