

REAL ESTATE REGULATORY AUTHORITY, BIHAR

In the Court of Adjudicating Officer

Case No: RERA/SM/68/2018

Authorised Representative of RERA

...Complainant

Versus

M/s. Agrani Homes Pvt. Ltd.

...Respondent

Project: IOB Commercial, Sarari, Danapur, Patna

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

For Respondent: None

12.09.2024

ORDER

The matter was taken. Learned counsel for Authority is present. No one appears on behalf of the respondent, however, a reply dated 13-06-2018 has been filed on behalf of the respondent.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 14.05.2018/16.05.2018 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 IOB Commercial, Sarari, Danapur, 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 Project IOB Commercial, Sarari, Danapur, Patna is also called as C1 commercial. It

has been further submitted by the respondent that project is of 2013-14 prior to the enactment and Map approval is pending with the competent Authority. It has been further submitted that 26 allottees had signed MOU for this project.

Perused the record. The Authority observes that the promoters have not registered the project in accordance to first proviso of Section 3 of the Act and has evidently advertised their project and taken booking which established from its reply filed.

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, taken booking 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 IOB Commercial, Sarari, Danapur, Patna 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.

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

Sd/-
Ambrish Kumar Tiwari
A.O.