



REAL ESTATE REGULATORY AUTHORITY, BIHAR

3rd, 4th & 6th FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION
LIMITED COMPLEX, SHASTRI NAGAR, PATNA-800023.

IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR.

Case No. RERA/SM/174/2018

Authorised Representative of RERA Complainant

Vs.

M/s Sai Developers Pvt. Ltd. Respondent

Project: HEAVEN PHASE-III

Present: For the Authority: Mr. Abhinay Priyadarshi, Advocate

For the Respondent: Mr. S.K. Sanjeev, Director

ORDER

06/08/2024

Hearing taken up. Mr. Abhinay Priyadarshi, learned Legal Representative, appeared and defended the case of the complainant whereas Mr.S.K. Sanjeev, Director of the respondent-company appeared and defended the case of the respondent.

2. This case was initiated against the project 'Heaven Phase-III, Patna which was advertised and bookings were made by the respondent without registration of the project, for which a suo motu notice was issued to the respondent on 25.07.2018 to show cause as to why proceedings under Sections 35 & 59(1) of the Real Estate (Regulation and Development) Act, 2016 (in short, the RERA Act, 2016) be not initiated against the company and its Directors/official for non-compliance of the provisions of Section 3 of the RERA Act, 2016.

3. The first proviso of Section 3 of the RERA Act, 2016 provides that 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 shall 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.

4. The term 'Advertisement' has been defined in Section 2(b) of the 'RERA Act, 2016' 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 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.”

3. It is to note that vide proceeding dated 07.03.2024 this court directed the respondent to file reply and the matter was directed to be placed for hearing on 30.05.2024. Pursuant to the said direction a reply has been filed on behalf of the respondent on 30.05.2024 in which the respondent has stated as follows:

“This is to clarify you again this project named Heavens phase 3 is not our projects, no single booking & advances taken on this for any unit of this project. Also in mail dated 26.08.23 to RERA office, we have clearly stated that we are not doing any projects as such at present in Sai Developers.”

4. Vide proceeding dated 30.05.2024 on the prayer of the learned Legal Representative of the Authority technical report was called for as to the estimated cost of the aforesaid project after visiting the site and the matter was directed to be placed for hearing on 06.08.2024, but till date no report has been submitted by the Technical Wing. When the case has been taken up for hearing today i.e. 06.08.2024 the Director of the respondent company has appeared and sought apology. He has submitted that unknowingly in early stage of enforcement of RERA Act in 2017-18 some *pics* were put on their website and the same was never repeated. He has submitted that project “Heaven Phase-III” was the proposed project of Sai

Developers which was never came in existence. He has further submitted that there is no case on their firm till date against the said project because neither and booking was made nor advances were taken from any person. In support of his submission he has filed a petition which is on record. He has lastly submitted that the firm Sai Developer has stopped the development work much earlier.

5. Having heard the learned Legal Representative and the Director of the respondent company as also perusal of the materials available on record and also considering the apology tendered by the the Director of the respondent-company this court is of the view that the said project “Heaven Phase-III was the proposed project of the respondent which never came in existence. Accordingly, the proceeding initiated under Sections 35 & 59 of the Real Estate (Regulation & Development) Act, 2016 vide show cause notice dated 25.07.2018 for violation of section 3 of the RERA Act, 2016 is being dropped against the respondent company for the project ‘Heaven Phase-III.

6. The matter is, accordingly, disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer