



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/189/2018

Authorised Representative of RERA Complainant

Vs.

M/s Sri Ram Construction Pvt. Ltd. Respondent

Project: SRI RAM COMPLEX

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

For the Respondent: Mr. Suryakant Kumar, Comp. Secretary

ORDER

30/08/2024

This case was last heard on 06.08.2024 and the hearing was concluded and it was directed to be placed for orders on 30.08.2024 and the Technical Wing was directed to submit report as to the estimated cost of the project in the meantime. Learned counsel for both the parties were present.

2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 23.07.2018 to the respondent company for contravention of Section 3 of Real Estate (Regulation & Development) Act, 2016 (in short, the RERA Act, 2016) for advertising and taking booking against the project "Sri Ram Complex" without registering the project with RERA, Bihar. The promoters were directed to show cause as to why proceeding under Sections 35 & 59 of the RERA Act, 2016 may not be initiated against them.

3. The Respondent filed a reply stating that the ongoing project Sri Ram complex directly or indirectly, expressly or in written is not a project of Sri Ram Constructions. It has been further submitted by the respondent that no project in the name of Sri Ram Palace has been constructed and marketed.

4. Perused the record. This court observes that the promoters have evidently advertised their project namely, Sri Ram Complex without

obtaining registration from RERA, Bihar. This court further observes that it is evident from the advertisement placed on record that the promoter advertised this project without registration of the project from RERA. It is very much clear from the advertisement placed on record that the same was published in the website of the company, hence, the submission of the respondent that the project Sri Ram Complex does not belong to the respondent is not established in the light of the evidence available on record.

5. This court takes note that under 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.

6. 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 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.”

7. Thus this court holds that the respondents have advertised their project and thereby violated the provisions of Section 3 of the RERA Act, 2016.

8. In the light of the observations made above, it is established that the respondent company has contravened the provisions of Section 3 of the RERA Act, 2016 by not registering their project, namely, Sri Ram Complex with the RERA, Bihar this court has no other option but 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 land, hence, this court levy a token penalty of Rs.5,00,000/- (Five Lacs) which is less than 1% as per the MVR prevailing in the land area. 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 auction under Section 59(2) of the RERA Act, 2016.

9. With the aforesaid observations and directions, the matter is disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer