



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/24/2018

Authorised Representative of RERA Complainant

Vs.

M/s Agrani Homes Real Services Pvt. Ltd. Respondent

Project: AGRANI OJASVI

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

For the Respondent: None.

ORDER

09/09/2024

This case was last heard on 27.08.2024 and the hearing was concluded and it was directed to be placed for order on 09.09.2024. Mr. Abhinay Priyadarshi, learned Legal Representative, appeared and defended the case of the complainant, but no one appeared on behalf of the respondent.

2. This case was initiated against the project Agrani Ojasvi 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 14.05.2018 to show cause as to why proceedings under Sections 59 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. It is to note that vide proceeding dated 10.06.2024 the office was directed to issue notice to the respondent for appearance. In compliance thereof, the office issued notice on 27.06.2024 but no one appeared for the respondent. Hence, the Court is left with no option but to dispose of the case on the basis of material available on record.

4. 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.

5. 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.”

6. Having heard the Legal Representative of the Authority and perusal of the materials available on record this court observes that it is evident from the advertisements and reply placed on record that promoter has advertised this project, Agrani Ojasvi without registering it with the RERA. Hence taking into account the materials available on record in form of evidence, it is established that the advertisement was published over the website for public view. In the reply filed this fact has been admitted by the respondent that they have advertised the project Agrani Ojasvi and taken bookings. Hence, this court is levying a token penalty of Rs.5,00,000/- (Five Lakhs) upon the promoter, namely, M/s Agrani Homes Real Services Pvt. Ltd., as per Section 59(1) of the RERA Act, 2016. This court directs the respondent company and its Director to pay the penalty amount within 60 days and to get the project registered with RERA Bihar. This court further directs the respondent to remove all the advertisement of the project namely, Agrani Ojasvi from all mediums within a fortnight.

7. The respondent – promoter namely M/s Agrani Homes Real Services Pvt. Ltd., is directed to comply the order within 60 days, failing which further action under Section 59(2) of the RERA Act, 2016 would be taken against the promoter.

8. The matter is, accordingly, disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer