



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/312/2018**

Authorised Representative of RERA Complainant

Vs.

M/s Meridian Constructions India Ltd. Respondent

Project: **SWAROOP SMRITI VIHAR**

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

For the Respondent: Mr. Sharad Shekhar, Advocate

ORDER

19/09/2024

This case was last heard on 09.08.2024 and the hearing was concluded. Mr. Abhinay Priyadarshi, learned Legal Representative, appeared and defended the case of the complainant and Mr. Sharad Shekhar, learned counsel defended the case of the respondent.

2. This case was initiated against the project Swaroop Smriti Vihar 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 18.12.2018 to show cause as to why proceedings under Sections 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.”

5. It is to note that though reply and written submission have been filed on behalf of the respondent on 18.04.2024 and 28.08.2024 respectively but neither the reply has dealt the issue raised in the interim order dated 19.10.2023/28.11.2023 nor the respondent appeared in the proceedings dated 09.08.2024 in spite of the knowledge that the case is fixed for hearing on that date. In the reply it is only submitted that the project 'Swaroop Smriti Vihar' has been completed much prior to the commencement of the RERA Act. Hence, the Court is left with no option but to dispose of the case on the basis of materials available on record.

6. Taking into consideration the aforesaid facts and the material available on record, it is evident that the respondent company has contravened the provisions of Section 3 of the RERA Act, 2016 by not registering the project Swaroop Smriti Vihar with the Real Estate Regulatory Authority, Bihar. Hence, this court is levying a penalty of Rs.15,00,000/- (Fifteen Lakh) upon the promoter, namely, M/s Meridian Construction (India) 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 Swaroop Smriti Vihar from all mediums within a fortnight.

8. The respondent – promoter M/s Meridian Construction (India) 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.

9. The matter is, accordingly, disposed of.

Sd/-

(Ambrish Kumar Tiwari)

Adjudicating Officer