

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**In the Court of Adjudicating Officer**

**Case No: RERA/SM/409/2019**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. S.K. Builder and Colonisor Pvt. Ltd.**

**...Respondent**

**Project: Rajendra Smriti, Janki Enclave & Urmila Enclave**

**Present: For Authority: Shri Abhinay Priyadarshi , Authorised Legal Counsel**

**For Respondent: Mr. Sanjeev Kumar Nirala, Advocate.**

**25.07.2024**

## **ORDER**

The matter was taken, learned counsel for Authority along with learned counsel for Respondent company is present.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 25.06.2019 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 **Rajendra Smriti, Janki Enclave & Urmila Enclave** 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 the project Rajendra Smiriti was completed prior to the enactment of Act. In regard to project Janki Enclave, it is submitted that same project land is 500 Sq.Mtrs. In regard to

Project Urmila Enclave, it is submitted that respondent promoter tried to reach over an agreement with land owner but same was not fructified.

An Inspection Report dated 16-12-2019 was placed on record stating inter-alia that Project Janki Enclave was completed in Nov, 2018. In Regard to Janki Enclave, it is stated that same does not falls under the ambit of the RERA Act, 2016. In regard to Urmila Enclave, it is stated that same has no existence.

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.”

Perused the materials placed on record and considering the submissions of respondent and taking into account the inspection report, the Suo Motu proceeding initiated under Sections 35& 59 of the Real Estate (Regulation & Development) Act 2016 vide show- cause notice dated 25.06.2019 for violation of section 3 of the Real Estate (Regulation & Development) Act 2016 is being dropped against the respondent company for the projects **Rajendra Smriti, Janki Enclave & Urmila Enclave.**

With these observations, the matter is disposed of.

**Sd/-**

**Ambrish Kumar Tiwari  
A.O.**