



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/481/2021

Authorised Representative of RERA Complainant

Vs.

M/s Pahi Construction Pvt. Ltd. Respondent

Project: R.S.D. COMPLEX, PATNA

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

For the Respondent: None.

ORDER

06/09/2024

This case was last heard on 29.08.2024 and the case was put up for orders on 06.09.2024. 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 RSD Complex 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 28.06.2021 to show cause as to why proceedings under Sections 35 & 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. 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 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 vide proceeding dated 30.01.2024 the court directed the office to issue notice to the respondent for appearance. In compliance thereof, the office issued notice on 02.02.2024 but no one appeared for the respondent. Again vide proceeding dated 04.04.2024 the court directed to issue reminder to the respondent and accordingly the office issued reminder on 26.04.2024 but the respondent did not appear. Hence, the Court is left with no option but to dispose of the case on the basis of material available on record.

6. It is to further note that vide proceeding dated 04.04.2024 also the Court directed the Technical Wing of RERA to submit report regarding estimated cost of the project. In compliance thereof, the Technical Wing submitted its report dated 28.08.2024, wherein, it is stated that the total estimated cost of the project is Rs.8,07,19,380/-.

7. In view of the aforesaid facts and the material available on record, it is evident that the estimated cost of the project is Rs.8,07,19,380/- and the respondent company has contravened the provisions of Section 3 of the RERA Act, 2016 by not registering the project with the Real Estate Regulatory Authority, Bihar. Hence, the court is levying a penalty of Rs.08,00,000/- (Eight lacs) which is less than 1% of the estimated cost of the project upon the promoter, namely M/s Pahi Construction Pvt. Ltd, as per Section 59(1) of the RERA Act, 2016. The court directs the respondent company and its Director Mr. Ranjit Kumar Mishra to pay the penalty amount within 60 days and to get the project registered with RERA Bihar. The court further directs the respondent to remove all the advertisement of the project namely RSD Complex from all mediums within a fortnight.

8. The respondent – promoter namely M/s Pahi Construction 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