



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/484/2021

Authorised Representative of RERA Complainant

Vs.

M/s Chitra Homes Pvt. Ltd. Respondent

**Project: 1. CHITRA VILLA, BORING CANAL ROAD, PATNA
2. NIRU VILLA, GOLA ROAD, PATNA**

**Present: For the Authority: Mr. Abhinay Priyadarshi, Advocate
For the Respondent: None.**

ORDER

02/07/2024

Hearing taken up. Mr. Abhinay Priyadarshi, learned Legal Representative, appears and defends the case of the complainant, but there is no representation on behalf of the respondent.

2. This case was initiated against the project Chitra Villa, Boring Canal Road, Patna & Niru Villa, Gola Road, Patna 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 12.07.2021 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. It is to note that vide proceeding dated 02.05.2024 the court directed the office to issue notice to the respondent as a last chance for hearing and filing counter reply on 02.07.2024, failing which an appropriate order would be passed on the basis of material

available on record and, accordingly, the office issued notice on 11.06.2024 but the respondent neither appeared nor filed any reply on the next date of hearing. Hence, the Court is left with no option but to dispose of the case on the basis of material available on record.

4. It is to further note that vide proceeding dated 24.07.2023 the Technical Wing of RERA was directed to assess the cost of the project and submit a report. In compliance thereof, the Technical Wing submitted its report dated 03.10.2023, wherein, it is stated that the estimated cost of the project is Rs.1,54,72,040/-.

5. 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 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. Taking into consideration the aforesaid facts and the material available on record, it is evident that the estimated cost of the project, namely Chitra Villa, Boring Canal Road, Patna is Rs.1,54,72,040/- 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 and collecting amounts as advances against the apartments/plots. Hence,

the Authority is levying a penalty of Rs.3,00,000/- (Rupees three lakhs) only upon the promoter, M/s Chitra Homes Pvt. Ltd., as per Section 59(1) of the RERA Act, 2016. The Authority directs the respondent company and its Director/s to pay the penalty amount within 60 days and to get the project registered with RERA Bihar. The Authority further directs the respondent to remove all the advertisement of the project namely Chitra Villa, Boring Canal Road, Patna and Niru Villa, Gola Road, Patna from all mediums within a fortnight.

6. The respondent – M/s Chitra Homes 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.

7. The matter is, accordingly, disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer