



**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

3<sup>rd</sup>, 4<sup>th</sup> & 6<sup>th</sup> FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION  
LIMITED COMPLEX, SHASTRI NAGAR, PATNA-800023.

IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR.

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**Case No. RERA/SM/486/2021**

Authorised Representative of RERA ..... Complainant

Vs.

M/s Green City Real Estate Pvt. Ltd. .... Respondent

**Project: GREEN VALLEY, CHANDMARI, MOTIHARI**

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

**For the Respondent: Mr. Chaitanya, Advocate**

**ORDER**

**20/12/2024**

This case was last heard on 25.10.2024 and on the prayer of the respondent the matter was directed to be placed for hearing on 20.12.2024. Today I have heard learned counsel for both the parties. Hearing is concluded.

2. Learned counsel for the respondent also files a petition stating therein that this case may be disposed of. Along with the petition he has annexed the copy of estimated cost of the project. He has submitted that this court may please to take a lenient view.

3. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 03.08.2021 to the respondent company for contravention of Section 3 of Real Estate (Regulation & Development) Act, 2016 (in short, the RERA Act, 2016) for advertising and taking booking against the project "Green Valley, Chandmari, Motihari" without registering the project with RERA, Bihar. The promoters were directed to show cause as to why proceeding under Sections 35 & 59 of the RERA Act, 2016 may not be initiated against the company and its Directors/official for non-compliance of the provisions of Section 3 of the RERA Act, 2016.

4. This court takes note that under the first proviso of Section 3 of the RERA Act, 2016 provides that all the ongoing real estate projects were required to register by 31<sup>st</sup> 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 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. It is to note that in spite of several notices issued to the respondents when they did not appear or filed any reply then vide proceeding dated 02.07.2024 this court having no option proceeded for ex-parte hearing and after hearing the learned Legal Representative of the Authority it was placed for orders on 26.07.2024. In the meantime, a petition along with *Vakalatnama* was filed on behalf of the respondents stating therein that they could not appear on the last date of hearing i.e. on 02.07.2024 because the notice was not received in time. It is further prayed therein for supply of a copy of the complaint petition on the basis of which this suo-motu case has been initiated to enable the respondent to file reply which was supplied to him. When the matter was taken up on 26.07.2024, a petition was again filed on behalf of the respondents praying for an adjournment on the ground of indisposition of the arguing counsel and the matter was directed to be listed for re-hearing on 25.10.2024 and on that date

when the matter was taken up learned counsel for the respondent filed reply on behalf of the respondent with a prayer to grant an adjournment to enable him to argue the case. In Reply at paragraph 7 the respondent has stated that the instant proceeding cannot be initiated against the company as this project, namely, Green Valley, Chandmari, Motihari was completed much prior to the commencement of the RERA Act, 2016 and the project completion certificate has been issued by the Nagar Palika. In support of his submission the respondents have annexed a copy of the letter of Engineer, Jata Shanker Singh dated 17.08.2015 along with the reply in which it is stated that as per the sanctioned plan dated 18.03.2013 by the Nagar Parishad, East Champaran the residential building has been completed. Along with the reply he has also attached the Building Permit of Certified Architect, Nagar Parishad, Motihari.

7. Perused the record. This court observes that the promoters have stated in the reply that the project 'Green Valley, Chandmari, Motihari' is a completed project is not established because they have not attached the copy of the completion certificate of competent authority rather he has attached the manufactured completion certificate of an Architect. This court further observes that the promoters have evidently advertised their project, namely, Green Valley, Chanmari, Motihari without obtaining registration from RERA, Bihar. This court further observes that it is evident from the news cuttings published in the newspaper placed on record that the promoters advertised this project without registration of the project from RERA. It is very much clear from the news cuttings published in newspaper placed on record that the same was published in the website of the company much after the commencement of the RERA Act, 2016. This fact would be evident from the newspaper published on 8<sup>th</sup> February, 2019 in which it is mentioned that the promoter has made fraud with the allottees. Hence, the submission of the respondent that the project Green Valley, Chandmari, Motihari is a completed project prior to the commencement of the RERA Act, 2016 is not correct in absence of the completion certificate and other relevant documents. From a bare perusal of the documents which are annexed

with the reply it would be evident thall and all are manufactured documents.

8. Thus this court holds that the respondents have advertised their project without registration of the same and knowingly violated the provisions of Section 3 of the RERA Act, 2016.

9. In the light of the observations made above, it is established that the respondent company has contravened the provisions of Section 3 of the RERA Act, 2016 knowingly by not registering their project, namely, Green Valley, Chandmari, Motihari with the RERA, Bihar this court has no other option but to levy a penalty as per Section 59(1) of the RERA Act, 2016. In the report of the Technical Wing the estimated cost of the project is mentioned as 651.70 lakh but the rate of the land mentioned only Rs.250 per sq. ft. wich, in my opinion, is incorrect estimation. Hence, this court is levying a penalty of Rs.15,00,000/- (Fifteen Lakh) only. This amount is to be paid by the respondent company and its Director namely Mr. Santosh Kumar within sixty days of the issuance of this order and to get the project registered with the RERA, Bihar. Non-compliance with this directive will result in action under Section 59(2) of the RERA Act, 2016.

10. With the aforesaid observations and directions, the matter is disposed of.

Sd/-

**(Ambrish Kumar Tiwari)**  
**Adjudicating Officer**