



# 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/496/2021**

Authorised Representative of RERA ..... Complainant

Vs.

M/s Shuvindra Homes Pvt. Ltd. .... Respondent

**Project: SHUVINDRA CITY**

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

**For the Respondent: None.**

## **ORDER**

**29/07/2024**

This case was last heard on 02.07.2024 and the matter was put up for orders on 29.07.2024. 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 Shuvindra City 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 03.11.2021 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 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.

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 03.03.2023 the Bench directed the office to issue notice to the respondent for appearance. In compliance thereof, the office issued notice on 14.03.2023 but no one appeared for the respondent. Again vide proceeding dated 25.07.2023 the Bench directed to issue summons through Sr. S.P to the respondent for appearance but the respondent did not appear. Even in the proceedings held on 18.04.2024, 07.05.2024 & 02.07.2024 before this court also the respondent did not appear in spite of sufficient opportunities provided to the respondent. 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 interim order dated 16.01.2024 the Authority directed the Technical Wing of RERA to visit site and submit report regarding estimate cost of the project so as to enable the Authority to determine the penalty amount as per the provision of Section 69(1) of the RERA Act. In compliance thereof, the Technical Wing visited the site and submitted its report on 01.07.2024, wherein, it is stated that the total estimated cost of the project is Rs.9,82,80,000/-.

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.9,82,80,000/-and the respondent company has contravened the provisions of Section 3 of the RERA Act, 2016 by making advertisement without registering the project with the Real Estate

Regulatory Authority, Bihar. Hence, the Authority is levying a penalty of Rs.09,00,000/- (Nine lacs) only which is less than 1% of the total estimated cost of the project upon the promoter, M/s Shuvindra homes Pvt. Ltd., as per Section 59(1) of the RERA Act, 2016. The Authority directs the respondent company and its Directors namely Mr. Indrajeet Kumar, Shiv Bharti and Mr. Brahma Nand Rai 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 Shuvindra City from all mediums within a fortnight.

8. The respondent – promoter namely M/s Shuvindra 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.

9. The matter is, accordingly, disposed of.

Sd/-

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