



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/536/2022**

Authorised Representative of RERA Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: I.O.B. NAGAR, BLOCK- L

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

For the Respondent: None.

ORDER

17/10/2024

This case was last heard on 04.06.2024 and it was directed to be placed for hearing on 27.06.2024 but on that date all the matters listed before the court were adjourned to 20.09.2024 on account of non-availability of the court and on the said date also the all the matters listed before the court were adjourned to 17.10.2024 due to non-availability of the court. 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 I.O.B Nagar, Block-L 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 08.07.2022 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 04.06.2024 the court directed the office to issue notice to the respondent as a last chance for hearing on 27.06.2024, otherwise order would be passed on the basis of

material available on record and, accordingly, the office issued notice on 07.06.2024 but the respondent neither appeared nor filed any reply on the next date. 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 interim order dated 07.03.2024 the Technical Wing of RERA was directed to visit the site and submit report regarding the estimated cost of the project. In compliance thereof, the Technical Wing submitted its report dated 12.04.2024, wherein, it is stated that the estimated cost of the project is Rs.8,24,95,600/-.

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.”

7. Taking into consideration the aforesaid facts and the material available on record, it is evident that the estimated cost of the project is Rs.8,24,95,600/-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, this court is levying a penalty of Rs.08,00,000/- (Eight Lakhs) upon the promoter, M/s Agrani 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 I.O.B Nagar, Patna from all mediums within a fortnight.

8. The respondent – M/s Agrani 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