



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/543/2022

Authorised Representative of RERA Complainant

Vs.

M/s Aman Homes Infratech Pvt. Ltd. Respondent

Project: PINK CITY

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

For the Respondent: None.

ORDER

20/08/2024

This case was last heard on 26.07.2024 and the hearing was concluded. 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 Pink 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 19.07.2022 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. 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 20.02.2024 the court directed the office to issue notice to the respondent for appearance. In compliance thereof, the office issued notice on 20.03.2024 but no one appeared for the respondent. Again vide proceeding dated 21.05.2024 the court directed to issue reminder as a last chance to the respondent and accordingly the office issued reminder on 27.06.2024 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 09.11.2023 the Authority directed the Technical Wing of RERA to visit the site and submit report regarding the project. In compliance thereof, the Technical Wing visited the site and submitted its report on 25.11.2023, wherein, it is stated that the total estimated cost of the project is Rs.18,282 lakh or 182 crore.

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.18,282 lakh or 182 crore 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 Authority is levying a penalty of Rs.18,00,000/- (Eighteen lacs) only upon the promoter, namely M/s Aman Homes Infratech Pvt. Ltd., as per Section 59(1) of the RERA Act, 2016. The court directs the respondent company and its Directors namely 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 Pink City from all mediums within a fortnight.

8. The respondent – promoter namely M/s Aman Homes Infratech 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