



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/544/2022

Authorised Representative of RERA Complainant

Vs.

M/s Subharti Construction Pvt. Ltd. Respondent

Project: GALAXY CITY

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

For the Respondent: Mr. Amit Singh, Advocate

ORDER

03/09/2024

The matter was last heard on 12.08.2024 and was put up for orders on 03.09.2024. Learned counsel for both the parties are present.

1. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice under sections 35 & 59 of the Real Estate Regulation & Development) Act, 2016 (hereinafter referred to as the 'RERA Act, 2016') on 19.07.2022 to the respondent company for contravention of section 3 of the 'RERA Act, 2016' for advertising and taking booking in the name of project 'Galaxy City', Greater Patna without registering the said project with RERA, Bihar. The promoters were directed to show cause as to why proceedings under Sections 35 & 59 of the 'RERA Act, 2016' may not be initiated against them.

2. The respondent has filed its reply in form of Affidavit wherein it is stated that they have not taken any booking amount in the name of project 'Galaxy City. It has been further submitted by the respondent that he has not executed any agreement for sale pertaining to the said project. However, during the course of hearing on 03.007.2023 learned counsel for the respondent has stated that M/s Subharti Constructiton Pvt. Ltd. does not have any project in the name of Galaxy City while they have applied for registration of a different

project with the same name i.e. Galaxy City with the RERA and it is under scrutiny.

3. The report of the Registration Wing dated 25.07.2023 placed on record stated that there is no such project as averred by the respondent counsel is applied for registration before the Authority.

4. The Technical Wing Report dated 03.07.2023 placed on record, deduced that respondent project is ongoing project and the same is being advertised over digital platform.

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 can 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. Perused the record. This court observes that it is evident from the advertisements placed on record that promoter has advertised this project i.e. Galaxy City without registering it with the RERA. Hence taking into account the materials available on record in form of evidence and the reports, it is established that the advertisement was published over the website for public view.

8. The Technical Wing report dated 03.07.2023 placed on record further shows that the estimated cost of the project, namely. Galaxy city as 13.68 crore.

9. Hence, in the light of the observations made above, it is established that the respondent company has advertised their project

and thereby contravened the provisions of Section 3 of the 'RERA Act, 2016' by not registering their project, namely, Galaxy City with the Real Estate Regulatory Authority, Bihar. Hence, this court imposes a penalty of Rs.10,00,000/- (Ten Lakh) as per Section 59(1) of the 'RERA Act, 2016' against the respondent/promoter which is around less than 1% of the total estimated cost of the project. This amount has to be paid by the respondent Company within sixty days of the issuance of this order. Non-compliance with this directive will result an action under Section 59(2) of the 'RERA Act, 2016'.

With these observations and directions, the matter is disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer