



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/62/2018

Authorised Representative of RERA Complainant

Vs.

M/s Ghar Lakshmi Buildcon Pvt. Ltd. Respondent

Project: GHAR LAKSHMI MILESTONE

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 Ghar Lakshmi Mile Stone 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 03.05.2018 to show cause as to why proceedings under Sections 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 20.02.2024 the court directed the office to issue notice to the respondent for appearance and filing reply. 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. It is also to note that before the Authority the

respondent did not appear in spite of issuance of notice. 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 proceeding dated 09.06.2023 the Authority directed the Technical Wing of RERA to visit the site and submit report regarding estimated cost of the project. In compliance thereof, the Technical Wing visited the site and submitted its report wherein, it is stated that the total estimated cost of the project is Rs.25400 lakh.

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 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. In view of the aforesaid facts and the material available on record, it is evident that the estimated cost of the project is Rs.25400 lakh 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.15,00,000/- (Fifteen Lakh) only which is less than 1% of the estimated cost of the project upon the promoter, namely M/s Ghar Lakshmi Buildcon Pvt. Ltd., as per Section 59(1) of the RERA Act, 2016. The Authority directs the respondent company and its Directors to pay the penalty amount within 60 days and to remove all the advertisement of the project namely Ghar Lakshmi Mile Stone from all mediums within a fortnight.

8. The respondent – promoter M/s Ghar Lakshmi Buildcon 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