

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mr. Ved Prakash,
Special Presiding Officer

Case No: RERA/SM/645/2024

Authorized Representative of RERA

...Complainant

Versus

M/s. Dream PR Homes Pvt. Ltd.

...Respondent

Project: Singapore Palace Phase- II

Present: For Authority: Sri Abhinay Priyadarshi, Advocate.

For Respondent: Ms. Kriti Suman, Advocate

06.03.2025

ORDER

1. The Real Estate Regulatory Authority, Bihar, issued a Suo Motu show-cause notice on 01.10.2024 to the Director of the respondent company for contravening Section 3 of the Real Estate (Regulation & Development) Act, 2016, regarding "Singapore Palace Phase- II" for not registering the project with RERA, Bihar. The promoter was directed through notice to show cause as to why proceedings under Section 59 of the Real Estate (Regulation & Development) Act, 2016, should not be initiated against them.
2. The respondent submitted a reply dated 20.11.2024, stating therein that the project "Singapore Palace" is registered with the Authority vide Registration No: BRERAP12503-002/169/R-1670/2024. The respondent further stated that the evidence forming the basis of the present Suo-Motu proceeding, i.e., the brochure of the project "Singapore Palace Phase-II," is fake and was not published by the respondent/promoter. It was also submitted that the complainant, who had initially filed the complaint and submitted the fake brochure of the project "Singapore Palace Phase-II," withdrew his complaint from the Authority on 16.08.2024 after realizing his mistake. The complainant informed the respondent that he had received the fake brochure from an agent.
3. Furthermore, on 20.01.2025/06.02.2025, the respondent submitted a supplementary application stating that a Sanha had been filed before the Rupaspur Police Station regarding the forged brochure of the project "Singapore Palace Phase-II." The

- respondent, therefore, prayed for the disposal of the Suo-Motu notice/drop of the case against the respondent.
4. Heard both the parties and perused the record.
 5. Considering the submissions of the parties and going through the record, it appears that after the enforcement of the RERA Act, 2016, the present un-registered project, *Singapore Palace Phase-II*, is an ongoing (project). After registration of the Singapore Palace, the respondent further started booking of the Singapore Palace Phase- II of the project along with the registered Singapore Palace. Consequently, a show-cause notice dated 01.10.2024 was issued to the promoter on the submission of a report of enquiry team of officers of the Authority constituted vide Office Order No. 118 dated 06.09.2024. The report confirmed that the respondent had violated the provisions of Section 3 of the RERA Act, 2016.
 6. Section 2(b) of the RERA Act, 2016 states:

“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. Further Section 3 (1) of the RERA Act, 2016, states:

"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, without registering the real estate project with the Real Estate Regulatory Authority established under this Act."
 8. The bench notes that though the person Chandan Kumar Singh , who made complaint against the promoter has withdrawn the complaint, but neither the evidence has come on the record that the said Chandan Kumar Singh has got published the brochure himself nor he has stated that as to from whom he has received the said forged brochure nor he denied that the said brochure was not handed over to him by the promoter or his representative. Except Sanha Entry the promoter has not filed any cogent evidence which may show that the said brochure was forged and published by someone else and the promoter has no hand in publishing the said brochure.
 9. However, if the promoter was interested to prove that brochure was forged and published by someone else to tarnish the image and business of the promoter ,he should have filed FIR instead

- of Sanha or Station Diary Entry at Rupaspur P.S. The FIR sets in motion the investigation, but S D Entry can not commence the investigation. If FIR would have been filed by the promoter, the genuineness of so called brochure might have come on the record by the police/Investigating Officer, but since promoter was not interested in doing so, he has not preferred to lodge FIR as it was published by him/representative. Hence filing of Station Diary Entry will not help to the promoter to prove that it is forge one.
10. In the present case advertisements of the more flats than the registered one proves that the promoter has violated the provisions of Section 3 of the Act 2016.
 11. In light of the above observations, it is concluded that the respondent company has violated the provisions of Section 3 of the RERA Act, 2016 by failing to register the ongoing project Singapore Palace Phase II after the enforcement of the Act with the Real Estate Regulatory Authority, Bihar. Consequently, the Bench of the Authority decides to impose penalty under Section 59(1) of the RERA Act, 2016 against the respondent/promoter.
 12. The bench observes that previously in application for registration of the project Singapore Palace, the respondent has estimated the total cost of the project Rs.2,44,42,880/-only for 12 flats. Now the respondent has advertised the project Singapore Palace phase II for 36 flats, which shows that the estimated cost of the advertised project Singapore Palace phase II is more than above estimated cost of the project.
 13. Hence, a penalty amount of Rs. 2,00,000/-(Two Lakh) is imposed on the respondent company, which constitutes approximately less than 1% of the total estimated cost of the project. This amount must be paid by the respondent company within sixty (60) days from the issuance of this order. On non-compliance of the present order action under Section 59(2) of the RERA Act, will be initiated.

With these directions, the matter is disposed of.

Sd/-

**Ved Prakash
Special Presiding Officer**