

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/142/2018

Authorised Representative of RERA

...Complainant

Versus

M/s. Shine City Infra Project Pvt. Ltd.

...Respondent

Project: Nisarg Lodhipur

Present: For Authority: Shri Abhinay Priyadarshi, Advocate

For Respondent: None

09.01.2025

ORDER

The matter was taken. Learned counsel for Authority is present. Non one appears on behalf of respondent despite opportunities given.

1. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 30.08.2018 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising and taking booking in the project Nisarg Lodhipur without registering the project with RERA, Bihar. The promoters were directed to show cause as to why proceedings under Sections 35& 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them.
2. Learned Counsel for Authority submits that the respondent-promoter has advertised its project Nisarg Lodhipur without registering with the Authority and to substantiate his submission put reliance on the advertisements placed on the record.

3. Perused the record. It appears that despite notices served on various dates, respondent has not appeared. However, filed a reply 22-02-2019 stating that the said project has been declined due to non-execution of Development Agreement and tendered its apology.
4. The first proviso of Section 3 of the Act, 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.
5. The term Advertisement has been defined in the section 2 (b) of the Act 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.”
6. The Authority observes that it is evident from the advertisements placed on the record that promoter advertised this project without registration of the project from RERA.
7. The Authority also observes that from the advertisement on record, it is very much clear that it was published over the website for public view.

8. The Technical Wing report dated 03-10-2023 placed on the record shows that the estimated cost of project namely Nisarg Lodhipur couldn't be made out due to Project Site Untraceable.
9. Hence, In the light of observations made above, it is established that respondent company has advertised their project and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 by not registering their project namely Nisarg Lodhipur with the Real Estate Regulatory Authority, Bihar. Since, the respondent has not declared the estimated cost of the project, hence, considering the MVR prevailing in area of the project land and other cost too, the Authority levy the penalty amount of Rs.10,00,000/-, (Rupees Ten Lakh) which is less than 1% of the total estimated cost of the project. This amount is to be paid by the respondent company within sixty days of the issuance of this order, Non-compliance with this directive will result in action under Section 59(2) of the RERA Act, 2016.

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

Sd/-

**(Ved Prakash)
Special Presiding Officer
RERA, Bihar**