

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**In the Court of Adjudicating Officer**

**Case No: RERA/SM/295/2018**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. Syrus Business Solutions Pvt. Ltd.**

**...Respondent**

**Project: Syrus Green Homes**

**Present: For Authority: Shri Abhinay Priyadarshi ,  
Authorized Legal Counsel**

**For Respondent: Shri Sharad Shekhar, Advocate**

**09.04.2024**

## **ORDER**

The matter was taken, learned counsel for Authority along with learned counsel for Respondent company is present.

The Authority notes that an interim order is passed on 12-10-2023/03-11-2023 with following below facts and observations: -

“Real Estate Regulatory Authority, Bihar issued a suo motu show- cause notice on 11.12.2018 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising the project Syrus Green Homes without registering the project with RERA, Bihar. The promoters were directed to show cause as to why proceedings under

Section 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them.

The respondent company, in its reply dated 24.08.2023, stated that Syrus Green Homes does not belong to the respondent's company and currently, no estate real project is under construction. It was stated that the respondent had never advertised the Syrus Green Homes project, either prior to or after the RERA Act 2016 and that they undertake to take action against such individuals who had unauthorisedly issued the advertisement.

During the hearing on 28.08.2023, the learned counsel for the respondent submitted that the project had been dropped, and another project on the same site is underway, which is also registered with the Authority. However, the advertisement was not withdrawn inadvertently.

The Authority also notes the contents of the e-mail sent by the respondent in which it is mentioned that a Facebook was created for personal correspondence and that no booking has been made till the project was registered on 15.7.2019.

The Authority observes that the respondent's statements in their reply and e-mail and the submissions made appear to be contradictory.

The Authority directs the respondent to clarify the matter on affidavit”.

Learned Counsel for Authority press the interim order and submits that respondent on different occasions made submissions differently pertaining to the project. On query by the Bench about compliance of interim order, learned counsel for respondent prays to pass order levying minimum penalty as the violation is not intentional.

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.”

Thus, the Authority holds that the respondents have advertised their project without registering the same with the Authority and thereby violated the provisions of Section 3 of the Real Estate (Regulation & Development) Act, 2016.

In the light of observations made above, it is established that respondent company has contravened the provisions of Section 3 of the Real Estate (Regulation and

Development) Act, 2016 by not registering their project namely **Syrus Green Homes** with the Real Estate Regulatory Authority, Bihar, the Authority has decided to levy a penalty as per Section 59(1) of the RERA Act, 2016. The penalty amount is Rs. 2,00,000/-, (Rupees Two Lakh) which is less than around 0.50% 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/-**  
**Ambrish Kumar Tiwari**  
**A.O.**