

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**In the Court of Adjudicating Officer**

**Case No: RERA/SM/445/2020**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. Aapya Construction & Developers Pvt. Ltd.**

**...Respondent**

**Project: Radhe Krishna Society**

**Present: For Authority: Shri AbhinayPriyadarshi , Advocate.**

**For Respondent: Mr. Kumar Shivesh& Mr. Kaustubh**

**Singh, Directors**

**02.05.2024**

## **ORDER**

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

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 27.02.2020 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 **Radhe Krishna Society** 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.

The respondent filed a reply stating that due to lack of knowledge of the provisions of the Act, such violation has made out and sought apology for the same and further submits that they have

now dropped this project. The respondent in their submissions declared the estimated value of the project as Rs.73,62,500/-

Perused the record. The Authority observes that the promoters have evidently advertised their project namely **Radhe Krishna Society** and taken booking in this project without obtaining registration from RERA, Bihar. Further it is also observed that it is evident from the advertisements placed on the record that promoter advertises this project and made allotment after the enactment of the RERA Act without registration of the project from RERA.

The Bench notes that Registration Wing of RERA has submitted its report dated 29.04.2024 stating therein that the project is not registered with the Authority.

The Authority takes note that under 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.

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 and taken booking 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 **Radhe Krishna Society** 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. 70,000/-, (Rupees Seventy Thousand) which is around 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).

With these directions, the matter is disposed of.

**Sd/-**

**Ambrish Tiwari**

**A.O.**