

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs Nupur Banerjee**

**Case No.RERA/SM/454/2020**

**Authorized Representative of RERA .....Complainant**

**Vs**

**M/s Technoculture Building Pvt. Ltd. ....Respondent**

**Project: Vastu Vihar, Bhagalpur, Phase - 02**

**For Complainant – Rishikesh Rajan, Advocate**

**For Respondent – Deepak Kumar, A.R.**

**11-07-2024**

-----

**22/07/2024**

**ORDER**

Real Estate Regulatory Authority, Bihar issued a suo motu show- cause notice on 06-03-2020 to the Directors of the respondent company for the contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising the project **Vastu Vihar, Bhagalpur, Phase - 02** through advertisements and brochures without registering the project with the RERA, Bihar. The promoters were directed to show cause as to why proceedings under 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them. It was brought to the notice of the Authority that the respondents have been advertising, bookings and selling in the project.

The Authority takes note of Section 3 of the Act, which is as follows:-

*“3. (1) 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: Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act: Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration. (2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required— (a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases: Provided that, if the appropriate Government considers it necessary, it may, reduce*

*the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act; (b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act; (c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project”*

Perused the record. The Authority notes that the respondent has failed to file reply despite several opportunities.

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.”*

The Authority take note of detailed report filed by the technical wing regarding the project stating there in total estimate cost of the project.

The Authority, therefore, holds that M/s Technoculture Building Pvt. Ltd. is guilty of violating Section 3 of the Act by issuing advertisement without the project being registered with RERA.

The Authority imposes a penalty of Rs. 5 lakh on the respondent as per the technical report. The respondent and Directors of M/s Technoculture Building Pvt. Ltd. are directed to deposit the penalty amount within 60 days. They are also advised to immediately withdraw the advertisement from the website and from all other mediums, failing which action under Sec 59(2) of the Act would be taken t.

With these directions the matter is disposed of.

**Sd/-**  
**Nupur Banerjee**  
**Member**