

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/SM/492/2021

Authorized Representative of RERA ...Complainant

Versus

M/s. Lakhan Homes Pvt. Ltd. ...Respondent

Project: Lakhan Tyagi

Present: For Authority: Shri Rishikesh Rajan, Advocate.

For Respondent: Shri Sharad Shekhar, Advocate.

14.05.2024

31.07.2024

ORDER

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 27-09-2021 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 **Lakhan Tyagi** 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.

On hearing dated 12-03-2024, the learned counsel for the respondent requested for time to file reply.

Despite several opportunities the respondent failed to file his reply.

The Bench notes that technical wing of RERA has submitted its report dated 12-03-2024 with estimated cost of the project.

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 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 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. 4 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).

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
Member