

REAL ESTATE REGULATORY AUTHORITY, BIHAR

In the Court of Adjudicating Officer

Case No: RERA/SM/604/2023

Authorised Representative of RERA

...Complainant

Versus

M/s. German Infrastructure Pvt. Ltd.

...Respondent

Project: Brajshila Kutir

Present: For Authority: Shri Abhinay Priyadarshi , Advocate.

For Respondent: Shri Binod Kumar Singha, Advocate.

02.05.2024

ORDER

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

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 03.07.2023 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 **Brajshila Kutir** 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. This Suo-Motu notice has been issued after the order passed in complaint case no. RERA/CC/226/2022 by the Authority.

The respondent filed a reply stating that the project was completed in the year 2014 prior to the enactment of the Act and absolute sale deed pertaining to this project executed prior to the enactment of the Act. The respondent further to substantiate their submissions placed on record the sale deed executed on 08-01-2015, completion certificate dated 30-10-2014, Notification dated 30-08-2018, issued by Department of Prohibition, Excise and Registration, Government of Bihar. The respondent also submitted that they are covered by the Notification dated 30-08-2018 and 28-12-2018 placed on record.

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.”

Perused the materials placed on record and considering the submissions of respondent that project is completed prior to the enactment of the RERA Act,2016 and taking into account the Notification dated 30-08-2018 and 28-12-2018, the Suo Motu proceeding initiated under Sections 35& 59 of the Real Estate (Regulation & Development) Act 2016 vide show- cause notice dated 03.07.2023 for violation of section 3 of the Real Estate (Regulation &

Development) Act 2016 is being dropped against the respondent company for the project **Brajshila Kutir**.

With these observations, the matter is disposed of.

Sd/-
Ambrish Kumar Tiwari
A.O.