

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding Officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/418/2019

Authorised Representative of RERA

...Complainant

Versus

M/s.Prominal Reality Associates Pvt. Ltd.

...Respondent

Project: Green Vatika Jalalpur - Chapra, Krishna Nagar-Nayagaon & Greater Patna-Nayagaon

Present: For Authority: Sri Ankit Kumar legal representative

For Respondent: None

05.06.2025

ORDER

1. The matter was taken up. Learned legal representative for the Authority is present. No one appears on behalf of the respondent despite repeated opportunities provided to them. However it appears that on service of notice the respondent promoter Sri Rakesh Singh has not only appeared, but has also filed reply dated 02.09.2019 and on 04.04.2024 learned counsel Sri Satya Prakash Parasar has filed Vakalatnama on behalf of the respondent ,but he too left to appear in the case. Hence, the Bench having no option proceeded ex-parte against the respondent.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 08.03.2019 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 *Green Vatika Jalalpur - Chapra, Krishna Nagar-Nayagaon & Greater Patna-Nayagaon* 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.

3. Learned legal representative for the Authority submits that the respondent-promoter has advertised its project, *Green Vatika Jalalpur - Chapra, Krishna Nagar-Nayagaon & Greater Patna-Nayagaon*, without obtaining prior registration from the Authority. In support of his submissions, he placed reliance on the advertisements submitted and available as part of the record.
4. Perused the record. The respondent has contended that the Authority, while serving the notice for Suo Motu, has failed to provide any specific date or time by which the company has violated the provision of RERA. Further, they have stated that they don't have any project named Green Vatika Jalalpur .However the company is planning to start a project in the name of Green Vatika in District of Saran.
5. It is pertinent to mention that several advertisements have been attached to the record, which display the aforementioned project advertised by the promoter company.
6. The first proviso of Section 3 of the Act says that 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.

7. 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.”
8. The Bench observes that it is evident from the advertisements placed on the record that promoter advertised this project without registration of the project from RERA.
9. The Bench further observes that from the advertisement on record, it is very much clear that it was published over the website for public view.
10. Hence in the light of observations made above, it is established that respondent company has advertised their project without prior registering their project namely *Green Vatika Jalalpur - Chapra, Krishna Nagar-Nayagaon & Greater Patna-Nayagaon* with the Real Estate Regulatory Authority, Bihar and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly the respondents are liable for penalty under Section 59(1) of RERA Act 2016.
11. The Technical Wing report dated 16.11.2024, placed on the record shows the estimated cost of the project, namely *Green Vatika Jalalpur Chapra*, as Rs.486.00 Lakh. However, the addresses of the following two projects, namely *Krishna Nagar-Nayagaon & Greater Patna-Nayagaon*, could not be found. Therefore, the estimated development cost could not be ascertained.

12. The respondent has not disclosed the address of other two projects.

Hence, the Bench imposes conjoint penalty of Rs10, 00,000/- (Ten Lakh) under Section 59(1) of the RERA Act, 2016 against the respondent/ promoter, which is less than 2.5% of the total estimated cost of one project. This amount has to be paid by the respondent company within sixty days of this order. Non-compliance with this directive will result in an action under Section 59(2) of the RERA Act, 2016.

With these observations and directions, the matter is disposed of.

Sd/-
(Ved Prakash)
Special Presiding Officer
RERA, Bihar