



REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer.

Case Nos. RERA/SM/440/2019

Authorized Representative of RERA

...Complainant

Vs.

M/s Rajnirmal Homes Pvt. Ltd.

...Respondent

Project: - The Ganga Green City

For the Complainant: Ankit Kumar, Authorized Representative

For the Respondent: None

ORDER

22-01-2025

29-01-2025

1. That the matter was taken up. Learned counsel for Authority is present, but no-one appears on behalf of respondent despite several opportunities.
2. That the Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 31.12.2019 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 Ganga Green City, Patna without registering with RERA, Bihar. The promoters were show caused as to why proceedings under Sections 35& 59 of the Real Estate (Regulation & Development) Act 206 may not be initiated against them.

3. Learned Counsel for the Authority submitted that the respondent promoter has advertised its project, Ganga Green City, Patna, without registering the project with the RERA, Bihar.
4. The first proviso of Section 3 of the Act provides 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.
5. 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.”
6. The Bench notes that despite several opportunities the respondent failed to appear before the Bench or file his reply, therefore for equity of justice ex-parte order is being passed.
7. Heard the legal representative of Authority and perused the record.
8. The Bench observes that it is evident from the advertisements placed on the record that promoter advertised his project on 12.03.2019 on Facebook without registration the same with RERA, Bihar. The respondent has made further advertisements with respect to other projects namely Signature Garden and Women’s Colony without registration with the RERA Bihar.
9. The Bench also observes that it is clear from the advertisements available on record that it was published over the Facebook.com for public view and it was also advertised through brochure.

10. The Technical Wing report dated 16-11-2024 has been submitted by technical team of RERA, Bihar is on the record.
11. Hence, In the light of observations made above, it is established that respondent/company has advertised the above project without registering with the RERA Bihar along with other unregistered projects and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Therefore, the Bench is inclined to impose penalty against the respondent /promoter. The technical team of RERA, Bihar has estimated Rs.2.33 Crore as cost of the project. Hence, the Bench imposes a penalty of Rs.4,00,000/-, (Four Lakh) only under Section 59(1) of the RERA Act, 2016 against the respondent/ promoter, which is less than 2% of the estimated cost of the project. If the respondent fails to pay the penalty amount within 60 days, then further proceeding under Section 59(2) of the Act would be initiated.

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

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