

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Ved Prakash,

Special Presiding Officer

Case No: RERA/SM/426/2019

Authorized Representative of RERA

...Complainant

Versus

M/s. Kazari Infra Tech Pvt. Ltd.

...Respondent

Project: Parmanandpur at Sonapur, Turki at Muzaffarpur and Rajgir at Nalanda.

Present: For Authority: Sri Ankit Kumar, Advocate.

For Respondent: Sri Sharad Sekhar, Advocate

15.05.2025

29.05.2025

ORDER

1. The Real Estate Regulatory Authority, Bihar, issued a Suo Motu show-cause notice on 02.08.2019 to the Director of the respondent company for contravening Section 3 of the Real Estate (Regulation & Development) Act, 2016, by advertising the unregistered project "Parmanandpur at Sonapur, Turki at Muzaffarpur and Rajgir at Nalanda." with RERA, Bihar. The promoter was directed to show cause as to why proceedings under Section 35 & 59 of the Real Estate (Regulation & Development) Act, 2016, should not be initiated against them.
2. The respondent submitted a reply dated 26.08.2019, stating therein that Since 2005, they have been engaged in bulk land aggregation, and after forming Kazari Infra Tech Pvt. Ltd. in 2014 and launching their website for this purpose, they clarify that they have no dealings or bookings in Turki and Rajgir, nor have they collected any advances from customer related to those areas.
3. Further on 24.04.2025 the respondent has submitted supplementary reply stating therein that the Suo moto proceedings against the projects at Parmanandpur, Turki, and Rajgir are not applicable under Section 3 of the RERA Act, as the projects fall outside the planning area with no local authority approval of map, and hence no offence violation has been committed, and the respondent will obtain RERA registration once the lands come under the planning area. Therefore, learned counsel submits that the authority may exonerate the company from Suo- Motu proceedings.
4. The learned advocate on behalf of the Authority submits that Rajgir at Nalanda, comes under the planning area since 2019. Therefore, the advertisement published by the promoter on his website is a violation of Section 3 of the RERA Act, 2016 He further submits that projects falling in village Parmanandpur at Sonapur, Turki at Muzaffarpur

come under non-planning area as per the list of planning area uploaded on the authority website.

5. Heard both the parties and perused the record.

6. Section 2(b) of the RERA Act, 2016 states that:

“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;

7. Further Section 3 (1) of the RERA Act, 2016, states: *"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:"*

8. The Authority observed that the promoter/respondent is violating the provisions of Section 3 of the RERA Act, 2016, by advertising the project on his website without registering it with RERA Bihar.

9. In the advertisement for the Rajgir Nalanda project, it is mentioned that the project 'spreads over 40 acres,' and as per MVR details, the total estimated cost of the project is nearly Rs. 2,16,00,00,000.

10. Hence, in light of the above observations, it is established that the respondent company has violated the provisions of Section 3 of the RERA Act, 2016 by failing to register the ongoing project Rajgir at Nalanda after the enactment and enforcement of the Act with the Real Estate Regulatory Authority, Bihar. Consequently, the Bench decides to impose penalty under Section 59(1) of the RERA Act, 2016 against the respondent /promoter.

11. Therefore, a penalty amount of Rs. 5,00,000/-(Five Lakh) is imposed on the respondent company, which constitutes approximately less than .1% of the total estimated cost of the project Rajgir at Nalanda. This amount must be paid by the respondent company within sixty (60) days

12. of this order. On non-compliance of the present order action under Section 59(2) of the RERA Act, will be initiated.

13. However, proceeding against the promoter/respondent with respect to the projects Parmanandpur at Sonapur, Turki at Muzaffarpur are dropped as the said areas fall under the non-planning area.

With these directions, the matter is disposed of.

Sd/-

Ved Prakash
Special Presiding Officer