



REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Bench of Mr. Ved Prakash,

Special Presiding Officer.

Case Nos. RERA/SM/431/2019

Authorized Representative of RERA

...Complainant

Vs.

M/s Bhawani Infracon Pvt. Ltd.

...Respondent

Project: - Patliputra Extension, Sonapur

For the Complainant: Mr. Rishikesh Rajan (Adv.)

For the Respondent: Mr. Jairam Singh (Adv.)

ORDER

19.02.2025

1. The matter was taken up. Learned legal representative on behalf of the Authority and Shri Jairam Singh Ld. Counsel on behalf of the respondent are present.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 30.08.2019 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 Patliputra Extension, Sonapur without registering 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. The Ld. Counsel for the respondent submitted that proposed project was advertised before enforcement of RERA act, 2017, but later on since the land was not made available, the project was dropped.
4. Learned representative for the Authority submits that the respondent has advertised it's project, Patliputra Extension, Sonapur, without registering with the Authority. In support of his submissions, he placed reliance on the advertisements dated 29.08.2019 made by respondent and filed the same as evidence on record.
5. The first proviso of Section 3 of the Act provides that all the ongoing real estate projects were required to be registered 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.
6. The term Advertisement has been defined in the section 2 (b) of the Act as: "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. Heard and perused the record.
8. The Bench observes that it is evident from the advertisements dt. 29.08.2019 placed on the record that the promoter advertised this project

Patliputra Extension situated at **Sonepur** at Hajipur Chapra N.H. – 19 in Bihar without registering it with RERA, Bihar and widely spread it through its website.

9. Therefore, in the light of observations made above, it is established that respondent company has advertised their project and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 without registering their project namely Patliputra Extension, Sonepur with the Real Estate Regulatory Authority, Bihar. Hence, the Bench imposes a penalty of Rs. 3,00,000/-(three lakh), under Section 59(1) of the RERA Act, 2016 against the respondent/ promoter. If the respondent fails to pay the penalty amount within 60 days then proceeding under section 59(2) of the RERA Act 2016 would be initiated.

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

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