

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding officer,
Mr. Ved Prakash, RERA, Bihar
Case No: RERA/SM/456/2020

Authorised Representative of RERA

...Complainant

Versus

M/s. Shiv Green Infra Developers Pvt. Ltd.

...Respondent

Project: Shiv City Phase-1

Present: For Authority: Sri Ankit Kumar Legal representative

For Respondent: None

29.05.2025

ORDER

1. The matter was taken up. Learned legal representative for Authority is present, but none appears on behalf of respondent despite repeated opportunities provided to them. However it appears learned counsel Sri Digvijai Narayan Singh after filing vakalatnama had appeared thrice ,but neither submitted reply nor has taken pain to appear since 17.04.2025. Hence Bench having no option proceeded ex-party against the respondent .
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 06.03.2020 to the respondent company for advertising and taking booking in the project *Shiv City Phase 1* without registering the project with RERA, Bihar and thereby contravening the provision of section 3 of the Real Estate (Regulation & Development) Act 2016 . 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 Counsel for the Authority submits that the respondent-promoter has advertised its project, *Shiv City Phase 1*, without obtaining prior registration from the Authority. In support of his

submissions, he placed reliance on the advertisements filed and placed as part of the record.

4. Perused the record. 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.
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 observes that it is evident from the advertisements placed on the record that promoter advertised this project without registration of the project from RERA, Bihar and it was published for public view.
7. The Technical Wing was also directed to conduct a technical visit to procure further information on this project. The report of the technical wing dated 04.10.2023 is placed on the record, which shows that though the estimated cost of the project is Rs.5313 Lakh ,but it is not registered with RERA Bihar. However the promoter has enrolled his firm as a real estate agent firm having registration number BRERAA41740/40/A-465/2022. It is evident that the

promoter is well aware of the provisions and regulatory compliances of RERA Act, 2016, yet they deliberately omitted to take the registration of the project before advertising the same.

8. Hence, in the light of observations made above, it is established that respondent company without registering the project Shiv City Phase I with RERA, Bihar has advertised their project and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly the respondent promoters are liable to be penalised under the provisions of Section 59(1) of RERA Act 2016.
9. Therefore the Bench imposes penalty of Rs 10,00,000/- (Ten Lakh only) as per Section 59(1) of the RERA Act, 2016 against the respondent/ promoter. This amount has to be paid by the respondent company within sixty days of this order, Non-compliance with this directive will result 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