

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mr. Ved Prakash,
Special Presiding Officer
Case No: RERA/SM/453/2020

Authorised Representative of RERA

...Complainant

Versus

M/s. Nexgen Dreams Homes Pvt. Ltd.

...Respondent

Project: Bhawani Palace, Arrah

Present: For Authority: Shri Ankit Kumar, Legal Counsel

For Respondent: None

ORDER

08.05.2025

1. Hearing taken up. Learned legal representative of the Authority is present ,but respondent is absent. Learned counsel Sri Binod Kumar Sinha on behalf of the respondent promoter had attended the proceeding dated 15.01.2025 without having vakalatnama ,but he too has not taken pain to appear later on to attend the proceedings of the case. 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 Directors of the respondent company for making advertisements without prior registration of the project Bhawani Palace Arrah with RERA Bihar and thereby contravening Section 3 of the Real Estate (Regulation & Development) Act, 2016. The promoter was directed to show cause as to why proceedings under Section 59 of the Real Estate (Regulation & Development) Act, 2016, may not be initiated against them.

3. The technical team of RERA visited the site and submitted a report dated 08.01.2024, stating that as per the information provided by the allottees of this project, the flats of the apartment were occupied by the allottees and they had their possession before the commencement of RERA. Hence the project is completed one. Further two allottees of this project informed that they have purchased the apartment from customer, not directly from the promoter/landowner.
4. On going through the record and after perusal of the evidence, it appears that the project was completed in 2015, which is much earlier than the commencement of the Real Estate (Regulation & Development) Act, 2016.
5. Hence considering the facts and circumstances, the case against the promoter for violation of Section 3 is not established. Accordingly the present case is dropped against the respondent promoter.

With these observations, the matter is disposed of.

Sd/-

(Ved Prakash)
Special Presiding Officer
08.05.2025