

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding Officer,
Mr. Ved Prakash, RERA, Bihar
Case No: RERA/SM/186/2018

Authorised Representative of RERA

...Complainant

Versus

M/s.Sri Ram Constructions Pvt. Ltd.

...Respondent

Project: Sri Ram Residency

Present: For Authority: Shri Ankit Kumar, Advocate.

For Respondent: None

29.05.2025

ORDER

1. The matter was taken up. Learned legal representative for the Authority is present but no one appears on behalf of the respondent despite the opportunities given. However it appears that on 06.08.2024 Sri Surya Kant Kumar, Company Secretary of respondent company had appeared and filed reply on behalf of the respondent, but later on he too left to attending the proceedings of the case. Hence hearing of the case proceeded ex-party against the respondent.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 23.07.2018 to the respondent company for making advertisements and taking booking without prior registration of the project Sri Ram Residency with RERA Bihar and thereby contravening the provisions 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 legal representative for the Authority submits that the respondent-promoter has advertised its project, **Sri Ram Residency**, without obtaining prior registration from the Authority. In support of his submissions, he placed reliance on the advertisements submitted and available on the record.
4. Perused the record. The respondent has contended that on August 8th 2019, the Department of Prohibition, Excise & Registration Department, issued a Circular/ Manual vide Circular No -NO-IV/M1 - 20/2018-2857 stating therein that any unit of real estate project registered on or before August 30th, 2018, shall be deemed to be a completed project and that the restriction to register the rest of the units of the respective project will not apply and therefore, registration of the project under RERA does not necessary.
5. It is pertinent to mention that several advertisements have been attached to the record, which display the aforementioned project advertised by the promoter company.
6. The Bench observes that the completion certificate filed by the promoter is not submitted in the competent authority as there is no seal or signature of competent authority. Hence, the same cannot be taken into consideration for absolving the promoter from its liability. Further the promoter failed to submit any sale deed as promised by them.
7. Further, the circular submitted by the promoter cannot override the provisions of Section 89 envisaged under the Real Estate Regulation and Development Act 2016 as it a statute enacted by parliament. Further, the Circular has only permitted the registration of the conveyance deed by the registrar/sub- registrar if one of the apartment/flat has been registered before the Bihar Registration (Amendment) Rules 2018 notified on 30.08.2018. Hence the circular

has not exempted the promoters from registration of the project in RERA Bihar.

8. 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.
9. 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.”
10. 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. The Bench also observes that advertisement on record, was published over the website for public view.
11. Hence, In the light of observations made above, it is established that respondent company has advertised their project without registering their project namely **Sri Ram Residency** with the Real Estate Regulatory Authority, Bihar and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Hence, the Bench imposes penalty of Rs. 75,000/-(Seventy Five Thousand) under Section 59(1) of the RERA Act, 2016 against the

respondent/ promoter. The penalty amount shall be paid by the respondent company within sixty days of the 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