

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Bench of Special Presiding officer,  
Mr. Ved Prakash, RERA, Bihar  
Case No: RERA/SM/154/2018**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s.Nisana Infratech Pvt. Ltd.**

**...Respondent**

**Project: Sonata City**

**Present: For Authority: Sri Ankit Kumar Legal representative**

**For Respondent: None**

**17.04.2025**

## **ORDER**

1. The matter was taken up. Learned legal representative for Authority is present but no one appears on behalf of the respondent despite several opportunities given to them. However it is not out of place to mention that previously the respondent promoter had filed reply on 16.08.2018, but he had not taken pain to attend the proceedings later on. learned counsel Sri Binod Kumar Sinha had appeared along with vakalatnama on behalf of the respondent promoter, but he too left to attending the proceedings of the Bench since 09.01.2025. Hence the Bench having no option, proceeded ex-party in the case.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 30.07.2018 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 for advertising and taking bookings in the project *Sonata City Patna, AIIMS* 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. Learned legal representative for the Authority submits that the respondent-promoter has advertised its project, *Sonata City Patna AIIMS*, without obtaining prior registration from the Authority. In support of his submission, he placed reliance on the advertisements submitted and available on the record.
4. Heard and 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. Though the respondents have left to attend the proceedings of the case, but they have filed their reply on 16.08.2018, wherein they have stated that the agreement for plotting of 31 kattha land near AIIMS, Patna was entered on 03.10.2016 by the company and the project was advertised in the name of Sonata City. Further the possession of the said land was handed over in March 2017 and as such the project was closed/completed by June 2017. It is further submitted that an advertisement running around city was not taken

off as a company policy to gain publicity, but no such ongoing projects were in function after June 2017. They may produce copy of sale deeds and possession certificates etc. if demanded.

7. The Real Estate (Regulation and Development) Act 2016 came into force on 1<sup>st</sup> May 2017. Hence the respondent promoter should have filed completion Certificate that the project was completed prior to 1<sup>st</sup> May 2017, hence as per first proviso of Section 3 of RERA Act 2016 the respondent should have got registered the project within 31<sup>st</sup> July 2017 as the project was ongoing on 1<sup>st</sup> May 2017, but herein the respondent himself has admitted in reply that the project finally completed in June 2017. Therefore the Bench observes from the advertisements placed on the record that promoter advertised this project without registration of the project from RERA Bihar.
8. The Bench further observes from the advertisement placed on the record, that it was published over the website for public view.
9. 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 by not registering their project namely *Sonata City Patna AIIMS*, with the Real Estate Regulatory Authority, Bihar and as such they are liable to pay penalty under Section 59(1) of RERA Act 2016.
10. The Technical Team report dated 26-03-2025 placed on the record shows that the estimated cost of project namely *Sonata City Patna AIIMS* is Rs- 11,55,00,000/- wherein the area of the plotted land of the project has been shown 3 Acres equal to 300 Decimals. However believing on the reply of the respondent, the area of the project as has been stated is 31 kattha equal to 204.91 Decimals. Hence on calculation on basis of MVR, the estimated cost of the project comes to the tune of Rs.7,17,18,500 /-.

11. Hence, the Bench imposes penalty of Rs 5,00,000/- (Five Lakh) under Section 59(1) of the RERA Act, 2016 against the respondent/ promoter which is less than 1% of the total estimated cost of the project done by the respondent promoter himself. 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**