

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/219/2018

Authorised Representative of RERA

...Complainant

Versus

M/s. Sri Anuanand Construction Pvt. Ltd.

...Respondent

Project: Sai Residency

Present: For Authority: Mr. Ankit Kumar, Legal representative

For Respondent: None

27.03.2025

ORDER

1. The matter was taken up. Learned legal representative for Authority is present but none appears on behalf of respondent despite several opportunities provided to them. However it is not out of place to mention that previously learned counsels Sri Mohit Kumar and Sri Ankit Kumar were appearing on behalf of the respondent, but they stopped to attend the proceedings of the case since 11.12.2024. Hence the Bench has no option ,but to proceed ex-parte against the respondent.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 24.09.2018 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 Sai Residency, Anisabad, Patna without registering the project with RERA, Bihar. The promoter 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. Though presently learned lawyers on behalf of the respondent had left to attend the proceedings of the case but previously they submitted that Bench of the Hon'ble Authority had already imposed penalty against the promoter for advertising and taking booking without registration of the project with Authority, hence for the same advertisement, the respondent may not be penalized. Learned legal representative for the Authority after verifications admits the submissions.
4. On Perusal of the record it appears that the Bench of Hon'ble Members Sri R.B Sinha and Sri S.K Sinha vide order dated: 04/07/2019 in SM /220/2018 had already imposed penalty of Rs.2.89 Lakh under Section 59 of RERA Act 2016 for violation of the provisions of Section 3 of Act 2016 for making advertisement and taking of the bookings in the ongoing project Sai Residency, Anishabad, Patna without prior registration from RERA ,Bihar.
5. The Authority observes that further penalty for the violations provisions of Section 3 of the RERA Act 2016 on basis of same notice on same project would be bad in law and against the principal of natural justice.
6. Hence, In the light of observations made above and on going through the record and considering the facts and circumstances, the Bench agrees with the submissions of learned counsels for both the parties and accordingly the present case is dropped.

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

Sd/-

(Ved Prakash)
Special Presiding Officer
RERA, Bihar