

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/229/2018

Authorized Representative of RERA

...Complainant

Versus

M/s. Ecosmart Infra Structure Pvt. Ltd.

...Respondent

Project: Om Shiv Complex, Bihta

**Present: For Authority: Mr. Ankit Kumar, Legal
representative of the Authority**

For Respondent: None

17.04.2025

ORDER

1. The matter was taken up. Learned legal representative for Authority is present, but none appears on behalf of respondent despite repeated reminders issued against them. Hence Bench having no option preceded for ex-parte hearing and after hearing the legal representative of the Authority ex-parte order is being passed in the case .
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 06.02.2018/20.11.2018 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 *Om Shiv Complex, Bihta (commercial complex)* without registering the project 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, *Om Shiv Complex,*

Bihata, without obtaining prior registration from the Authority. In support of this submission, he placed reliance on the advertisements published in Dainik Bhasker a daily news paper and submitted on 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 Authority observes that it is evident from the advertisements placed on the record that promoter advertised this project without registration of the project from RERA.
7. The Authority also observes from the advertisement on record, that it was published for public view through the mode of newspaper.
8. The Technical Team was also directed to conduct a technical visit to procure further information with respect to this project. The Technical Team of the Authority visited at site of the project and submitted its report. The report of the technical team dated 14.12.2024 placed on the record shows that neither the promoters office nor the site address

could be found during visit. Hence it could be observed that the promoter deliberately published advertisement without having any intention to develop the project and the same is misleading for the potential buyers.

9. Hence, in the light of observations made above, it is established that respondent company has advertised their project Om Shiv Complex ,Bihta (commercial Complex) without registering with RERA Bihar and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act 2016 and hence liable to pay penalty under Section 59(1) of RERA Act 2016 .
10. Therefore in light of above facts the Bench imposes penalty of Rs 50,000/- (Fifty Thousand) under 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**