

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/230/2018

Authorised Representative of RERA

...Complainant

Versus

M/s. Sri Asthal Properties Pvt. Ltd.

...Respondent

Project: Dream Valley, Babhanpura Patna.

Present: For Authority: Sri Ankit Kumar Legal representative

For Respondent: None

08.05.2025

ORDER

1. The matter was taken up. Learned legal representative for Authority is present, but none appears on behalf of respondent despite several reminder notices issued to them. Hence the Bench having no option proceeded the case for ex-party against the respondent.
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 bookings in the project “Dream Valley” Babhanpura, Patna 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, “Dream Valley” Babhanpura, Patna without obtaining prior registration from the

Authority. In support of his submission, he placed reliance on the advertisements submitted and kept as part of 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 Bench observes that it is evident from the advertisements placed on the record that promoter advertised the above project in Dainik Bhaskar Daily News Paper without registration of the project with RERA Bihar
7. The Bench also observes from the advertisement on record that it was published in the News paper for public view.
8. The Technical Team report dated 25-03-2025 is placed on record. Pursuant to a site visit, the team was unable to ascertain the exact location of the project, as the address furnished in the records and

digital platform was found to be incorrect. Despite making diligent inquiries with various individuals in the vicinity, the exact project site could not be located. In view thereof, the estimated cost of the project could not be determined. It also establishes that the respondent company without aim and objective to initiate and complete the project has put the advertisement for public view to collect the public money by cheating and misuse the same.

9. Hence, 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 Dream Valley Babhanpura, Patna with the Real Estate Regulatory Authority, Bihar. Therefore the respondent company is liable to pay penalty under Section 59(1) of RERA Act 2016.
10. Hence, in the above facts and circumstances, the Bench imposes penalty of Rs 1,00,000/- (One Lakh only) 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