

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/245/2018

Authorised Representative of RERA

...Complainant

Versus

M/s. Magadh Housing, a partnership firm

...Respondent

Project: Mahendra Mansion, Jagdeopath, Rupaspur, Patna

Present: For Authority: Sri Ankit Kumar Legal Representative

For Respondent: Sri Rahul Srivatav ,Advocate

17.04.2025

ORDER

1. The matter was taken up.Learned legal representative for Authority/complainant and learned advocate for the respondent are present.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 14.06.2018 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising and taking booking amount in the project “Mahindra Mansion, Jagdeo Path, Rupaspur, 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. The learned representative for Authority submits that the respondent-promoter has sold apartments in its project Mahindra

Mansion, Jagdeo Path, Rupaspur, Patna without prior registering with the Authority and to substantiate his submission, he put reliance on the Sale Deed dated: 16.08.2018 & 27.06.2018 placed on the record and allegations of the complainants.

4. The Respondent has filed its reply, submitting that the map of the project in question was sanctioned by the Patna Nagar Nigam on 02.04.2011 and it was completed on 10.05.2016 by virtue of issuance of completion certificate by the registered architect of Patna Nagar Nigam and he files the said completion Certificate as Annexure 1. The respondent also submits the electricity bill of the building dated: 30.12.2016.
5. The respondent further contends that so far as the execution of absolute sale deed of flats of the project in the year 2018 is concerned the respondent has not violated any of the provisions of law as the registration of flats is still allowed in light of Notification No.IV/M-1-20/2018-19 of govt. of Bihar .
6. Learned legal representative for Authority objected the submissions of respondent stating that the project was incomplete at the time of enforcement of RERA Act 2016 on 01.05.2017 and it find support from the allegations of complainant in complaint case No.15/2018. He further submits that admittedly the respondents have sold the flats of the project “Mahindra Mansion, Jagdeo Path, Rupaspur, Patna” after the enforcement of RERA Act, so they have violated the provisions of Section 3 of RERA Act 2016 as they without obtaining the registration from the Authority sold the flats.

7. 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.
8. 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 Bench notes that there is no receiving of PMC on the Completion Certificate submitted by respondent and occupancy issued by the PMC, so legally it can't be accepted to have been submitted in the PMC. Additionally the respondent cannot and should not deliver possession of the flats to any of the allottees without completion of the project as it would be violation of Section 2(i) of Bihar Apartment Ownership Act 2006, Section 327 of Bihar Municipal Act 2007 and Section 17 of RERA Act 2016.
10. Delivery of possession to some of the allottees will not justify the promoter that there was/is no need for registration of the project with the Authority as the incomplete project cannot be delivered to allottee. The report dated 30.07.2019 submitted by the RERA team shows that all flats were sold ,but some walls have no plaster and windows have no protection glasses as well as there was no generator set installed in the project. Some major works of the building were incomplete .Further the land owner has encroached into the common area of the apartment. Allottees of

flats no.102 and 108 have also claimed that the project was incomplete. In complaint case the complainant Sweta Kumari and others have also made complaint case No.15/2018 project namely *Guljar and Royal Highlands, Patna*, with the Real Estate Regulatory Authority, Bihar.

11. The RERA team report dated 30-07-2019 placed on the record shows that 18 flats, out of total 32 flats were in the share of the promoter and he has sold out his entire share of flats.

12. Hence, In the light of observations made above, it is established that respondent company has sold two flats in their project after the enforcement of the act i.e., 01.05.2017 and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 by not registering their project namely Mahindra Mansion, Jagdeo Path, Rupaspur, Patna with the Real Estate Regulatory Authority, Bihar. Accordingly the respondents are liable to pay penalty under Section 59(1) of RERA Act 2016.

13. Therefore, the Bench imposes penalty of Rs.2,00,000/- (Two Lakh) 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