



REAL ESTATE REGULATORY AUTHORITY, BIHAR

3rd, 4th & 6th FLOOR, BIHAR STATE BUILDING CONSTRUCTION CORPORATION
LIMITED COMPLEX, SHASTRI NAGAR, PATNA-800023.

IN THE COURT OF ADJUDICATING OFFICER, RERA, BIHAR.

Case No. RERA/SM/41/2018

Authorised Representative of RERA Complainant

Vs.

M/s Agrani Homes Real Marketing Pvt. Ltd. Respondent

Project: AGRANI PATALI VIHAR, PATNA

Present: For the Authority: Mr. Abhinay Priyadarshi, Advocate

For the Respondent: None.

ORDER

23/09/2024

This case was last heard on 27.08.2024 and the hearing was concluded. Mr. Abhinay Priyadarshi, learned Legal Representative, appeared and defended the case of the complainant, but no one appeared on behalf of the respondent.

2. This case was initiated against the project Agrani Patali Vihar which was advertised and bookings were made by the respondent without registration of the project, for which a suo motu notice was issued to the respondent on 16.05.2018 to show cause as to why proceedings under Sections 59 of the Real Estate (Regulation and Development) Act, 2016 (in short, the RERA Act, 2016) be not initiated against the company and its Directors/official for non-compliance of the provisions of Section 3 of the RERA Act, 2016.

3. The first proviso of Section 3 of the RERA Act, 2016 provides 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 shall 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.

4. The term 'Advertisement' has been defined in Section 2(b) of the 'RERA Act, 2016' 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.”

5. It is to note that vide proceeding dated 10.06.2024 the office was directed to issue notice to the respondent for appearance. In compliance thereof, the office issued notice on 28.06.2024 but no one appeared for the respondent. Hence, the Court is left with no option but to dispose of the case on the basis of material available on record.

6. Perused the records. This court observes that it is evident from the advertisements placed on record that promoter has advertised this project, i.e. Agrani Patali Vihar, Patna without registering it with the RERA. Hence taking into account the materials available on record in form of evidence, it is established that the advertisement was published over the website for public view. Hence, this court is levying a penalty of Rs.10,00,000/- (Ten Lakh) upon the promoter, namely, M/s Agrani Homes Real Marketing Pvt. Ltd., as per Section 59(1) of the RERA Act, 2016. This court directs the respondent company and its Director, Mr. Alok Kumar to pay the penalty amount within 60 days and to get the project registered with RERA Bihar. This court further directs the respondent to remove all the advertisement of the project namely Agrani Patali Vihar, Patna from all mediums within a fortnight.

7. The respondent –promoter M/s Agrani Homes Real Marketing Pvt. Ltd., is directed to comply the order within 60 days, failing which further action under Section 59(2) of the RERA Act, 2016 would be taken against the promoter.

8. The matter is, accordingly, disposed of.

Sd/-

(Amrish Kumar Tiwari)
Adjudicating Officer