

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding Officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/417/2019

Authorised Representative of RERA

...Complainant

Versus

M/s.Casa India HomesPvt. Ltd.

...Respondent

Project: Guljar and Royal Highlands, Patna

Present: For Authority: Mr Rishikesh Rajan, Legal representative .

For Respondent: Absent.

29.01.2025

ORDER

1. The matter was taken up. Learned legal representative for the Authority is present, but no one appears on behalf of the respondent despite several opportunities given to them. However previously Director of the respondent company Sri Ajit Singh was appearing and has also filed show cause to the notice of the Authority, but later on left to attend the proceedings of the case, hence the case proceeded ex-party against the respondent.
2. The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 08.07.2019 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 for advertising and taking bookings in the project- *Guljar and Royal Highlands, 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, *Guljar and Royal Highlands, Patna*, without obtaining prior registration from the Authority. In support of his submission, he placed reliance on the advertisements submitted and available on record.
4. Perused the record. The respondents have contended in their reply that the project does not come into the purview of the provisions of Section 3 of RERA Act 2016 because they have purchased only two plots through deed no 4856 dated 04.05.2018 area 849 square feet equal to 78.8721 square meter and 15 Decimal through deed no 3667 dated 31.03.2018 area 15 decimals equal to 607.05 and as such they have total land area 686.9221 square meter. They have further contended that they purchased the above mentioned land, but due to obstacle by the land owner they could not proceed in the project. They undertake that on start of the project, they shall follow the Rules of registration and entire provisions. They further contend that they have never advertised their project nor taken any advance bookings. They submit that they have not violated the provisions of Section 3 of the RERA Act 2016.
5. Section 3(2) of the Real Estate (Regulation and Development) Act 2016 states that, notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required—
 - (a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight, inclusive of all phasesHence the exemption for registration is applicable only up to an area of 500 square meters, whereas the respondent's land

is 686.9221 square meter. Therefore, prior to advertisement, the respondents should have to get registration of their project with the RERA, Bihar.

6. 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.
7. 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.”
8. The Bench notes that the respondent could not place any evidence about the obstacle created by the land owner in the development of the project .Hence Bench observes from the advertisements placed on the record that promoter advertised this project over the website for public view and marketing purposes without prior registering the project with RERA Bihar.
9. Therefore in the light of observations made above, it is established that respondent company has advertised their project namely *Guljar and Royal Highlands, Patna*, without prior registering with the Real

Estate Regulatory Authority, Bihar .and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Accordingly the respondents are liable to pay penalty under Section 59(1) Of RERA Act 2016.

10. The Technical Wing has filed technical report dated 10.06.2024 and has estimated the total cost of project namely *Guljar and Royal Highlands, Patna* as Rs. 45,73,80,000/- (Forty Five Crore Seventy Three Lakh, Eighty Thousand).
11. Hence, the Bench imposes penalty of Rs. 4,50,000, (Four Lakh Fifty Thousand) as per Section 59(1) of the RERA Act, 2016 against the respondent/ promoter, which is less than .1% of the total estimated cost of the project 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