

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Special Presiding officer,
Mr. Ved Prakash, RERA, Bihar
Case No: RERA/SM/451/2020**

Authorised Representative of RERA

...Complainant

Versus

M/s. Sankalp Engicon Pvt. Ltd.

...Respondent

Project: Pacific Oaks Kankarbagh, Patna

Present: For Authority- Mr.Ankit Kuamr, Legal Representative

For Respondent: None

27.03.2025

ORDER

1. The matter was taken up. Learned legal representative for Authority is present, but respondent is absent. In spite of repeated notices the respondent has not taken pain to appear before the Bench in the present proceedings, hence having no option, the Bench proceeded ex-parte against the respondent /promoter.
2. The Real Estate Regulatory Authority, Bihar issued a show- cause notice on 27.02.2020 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 for advertising and taking booking in the project *Pacific Oak, Patna* without taking registration of 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, *Pacific Oak, Patna*, without obtaining prior registration from the Authority. In support of his submission, he placed reliance on the advertisements, Development Agreement, broacher, bookings submitted and available on the record.

4. Heard and perused the record. The first proviso of Section 3 of the Act 2016 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 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.
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 from the advertisements dated 10.03.2018 and others placed on the record that promoter advertised this project for public view without registration of the project with Rera Bihar by 31st July 2017. It further appears the promoter Sri Chandra Shekhar has executed Development Agreement 12.12.2015 with the land owner Smt. Manju Kalawati Devi for development of the project Pacific Okas on the land of land owner. Later on, brochure was also published and distributed among the public for sale. In addition to this the promoter executed several agreement for sale deeds after enforcement of RERA Act 2016 with the allottees and due to non-completion and non-delivery of flats in the project, they have filed complaint cases before the Authority.
7. The Technical Team was also directed to conduct a technical visit to procure further information on this project. The report of the technical Team dated 03.03.2025 is placed on the record which shows that no

such project at address is available as mentioned in the brochure. Hence It could be observed that the promoter deliberately published advertisement on various platforms and issued brochure without having any intention to develop the project and the same is misleading for the potential buyers.

8. 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 *Pacific Oak, Patna*, with the Real Estate Regulatory Authority, Bihar. Hence the respondent promoter is liable to pay penalty under Section 59(1) of RERA Act 2016.
9. The Technical Team without adding the cost of flats on basis of MVR has estimated the cost of the Project Rs.7.09 Crore. Hence the Bench imposes penalty of Rs 7,00,000/- (Seven Lakh) against the respondent /promoter 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