



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/65/2018

Authorized Representative of RERA Complainant

Vs.

M/s Agrani Homes Pvt. Ltd. Respondent

Project: SAMPATCHAK, PATNA

Present: For the Authority: Mr. Rishikesh Rajan, Advocate

For the Respondent: None.

ORDER

09/12/2024

This matter has been taken up today for hearing. Learned Legal Representative, appeared and defended the case of the complainant, but no one appeared behalf of the respondent.

2. This case was initiated against the project 'Sampatchak, Patna' 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. Perused the records and from perusal of which it appears that vide proceeding dated 21.05.2024 the Technical Wing of the Authority was directed to visit the site as per the address given by the respondent in his reply at paragraph 8 and submit a fresh report as to the estimated cost of the aforesaid project.

6. The learned Legal Representative of the Authority submits that pursuant to the aforesaid order dated 21.05.2024 Engineer Abhinav Kumar, Engineer Intern has submitted the technical report dated 02.12.2024 which is on record.

7. I have perused the record and the technical report in which in the conclusion he has reported that **“As there was no address given, technical team has visited Sampatchak, Patna and surrounding areas but the site address couldn't be traced.”**

8. However, taking into consideration the statements made in the reply filed by the respondents in paragraph 8 in which they have admitted about the project “Sampatchak, Patna” this court cannot keep this matter pending for an indefinite period. It is further to note that vide proceeding dated 21.05.2024 the office was directed to issue notice to the respondent for appearance. In compliance thereof, the office issued notice but no one appeared for the respondent. Hence, this Court is left with no option but to dispose of the case on the basis of material available on record.

9. Having heard the Legal Representative of the Authority and perusal of the materials available on record this court observes that it is evident from the advertisements and reply placed on record that promoter has advertised this project, i.e. Sampatchak, 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. In the reply filed this fact has been admitted by the respondent that they have advertised the project Sampatchak, Patna and taken bookings. Hence, this court is levying a token penalty of Rs.5,00,000/- (Five Lakhs) upon the promoter, namely, M/s Agrani Homes 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, Sampatchak, Patna from all mediums within a fortnight.

10. The respondent – promoter namely M/s Agrani Homes 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.

11. The matter is, accordingly, disposed of.

Sd/-
(Ambrish Kumar Tiwari)
Adjudicating Officer