

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding Officer, Mr. Ved Prakash

Case No: RERA/SM/171/2018

Authorised Representative of RERA

...Complainant

Versus

Anupama Developers Pvt. Ltd.

...Respondent

Project: Lakshmi Bhagwati Enclave

Present: For Authority : Shri. Ankit Kumar, Advocate.

For Respondent: Shri. Manoj Kumar Singh, Advocate

11-12-2024

ORDER

1. Real Estate Regulatory Authority, Bihar issued a suo motu show-cause notice on 25-07-2018 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising, the project **Lakshmi Bhagwati Enclave**. The promoters were directed to show cause as to why proceedings under Section 35 & 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them.
2. The respondent company has filed reply dated 23-10-2024 stating therein that the project **Lakshmi Bhagwati Enclave** was completed much before the commencement of RERA Act and also delivered to the respective buyer's and flat in the share of the landowner. He further stated that they didn't advertise the above-mentioned project on their website or any website/ media/ newspaper.
3. The Bench takes note that under the first proviso of Section 3 of the Act, 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.

4. 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.”
5. The Bench take notes of the reply filed by the respondent that the project got completed much before the enactment of the RERA, Act 2016.
6. Perused the record. The Bench observes that there is no evidence available on record to proceed with the present SUO Moto proceeding against the respondent. Therefore the SUO Moto proceeding is being dropped against the respondent.
7. The Bench directs the registration wing to initiate SUO Moto proceeding against the respondent for advertising the project “Ganga Darshan” as the advertisement dated 08-03-2018 with respect to the said project is available on the record.

With these observations and direction, the matter is disposed of.

Sd/-
Ved Prakash
Special Presiding Officer