

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member
Case No: RERA/SM/551/2022

Authorized Representative of RERA **...Complainant**
Versus

M/s. Nivaan Homes Pvt. Ltd. **..Respondent**

Project: Engineers Colony, Phase - 1

Present: For Authority: Shri Ankit Kumar, Advocate.

For Respondent: Shri Sharad Shekhar, Advocate

28-06-2024

22-07-2024

ORDER

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 03-08-2022 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising and taking booking in the project **Engineers Colony, Phase - 1** 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.

The respondent has filed reply and supplementary affidavit stating therein that no such project either proposed or ongoing in the name of **Engineers Colony, Phase – 1**.

The Authority notes that technical wing of RERA has submitted its report dated 31-05-2023.

The Authority 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.

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.”

Perused the record. The Authority observes that the respondent has not advertised the project, therefore the Authority directs to drop the suo moto proceeding for the project - **Engineers Colony, Phase – 1** against the promoter.

With this direction, the matter is disposed of.

**Sd/-
Nupur Banerjee
Member**