

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Single Bench of Mrs. Nupur Banerjee, Member
Case No: RERA/SM/96/2018

Authorized Representative of RERA

...Complainant

Versus

M/s Anshul Homes Pvt. Ltd.

...Respondent

Project: DNA Golf City, Patna

28-05-2024

ORDER

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 12-06-2018 to the respondent company for the contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising and taking booking in the project DNA Golf City 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 stating therein that the respondent has not advertised the project but due to technical glitch, it was showing on the website. He further stated regarding the booking amount that the same has been returned to the allottees before enactment of RERA Act, 2016 and attached account statement of allottee and no complaint case is pending before the Authority against the respondent project. It is also submitted that this project has not been advertised after the enactment of the RERA Act, 2016.

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.”

Thus, the Authority observes that as submitted by the respondent that the project has not been advertised offering for any booking or sale. However due to technical glitch the content of the project remain in the website of the respondent. Hence considering the violation is regard to content of the project showing on the website, the Authority imposes a penalty of Rs. 25,000/- on the respondent promoter. This amount is to be paid by the respondent company within sixty days of the issuance of this order. For non-compliance with this direction would result in action under Section 59(2).

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
Member