

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Special Presiding Officer
Mr. Ved Prakash, RERA, Bihar
RERA/SM/ 238/2018
Authorized Representative of RERA Complainant

Vs
M/s Phenomenal Projects (P) Ltd.Respondent

Project: N.G. Town

For the Complainant/s : Shri Ankit Kumar, (representative)
For the Respondent/s : Shri Akash Deep, Adv.

26/06/2025

PROCEEDING

Shri Ankit Kumar, learned Legal Representative on behalf of the Authority/ complainant and the learned counsel Shri Akash Deep on behalf of the respondent are present.

Learned counsel for respondent by filing a petition submits that the project N.G. Town is beyond the planning area, hence the Authority has no jurisdiction to register the project and consequently the present suo-motu case has to be dropped, which is opposed by the learned Legal Representative on behalf of the Authority on the ground that the Hon'ble Authority vide order dated 05.09.2024 in the present case after due enquiry has already imposed penalty of Rs. 25 Lakh against the respondent- promoter, whereon the respondent has not raised objection. Hence the respondent- promoter is estopped from raising point before this Bench, as such the petition may be rejected.

Considering the submissions as well as going through the record, it appears that the Hon'ble Members Shri R.B. Sinha and Shri S.K.Sinha on 08.07.2019 after due enquiry in the present case i.e. RERA/SM/238/2018 has imposed penalty of Rs. 25 Lakh for making advertisement with respect to the project N.G. Town, Patna, Bihta and Sonepur, but in spite of repeated directions, the respondent has failed to deposit the penalty. Thereafter, a complaint case for non-compliance of the order passed under section 59(1) of

RERA Act, 2016 in the above case has been filed by the Authority in the court of learned C.J.M., Patna for initiation of criminal proceeding, wherein cognizance has been taken against the respondent-promoter.

Now, instead of making deposit of penalty amount the respondent-promoter on one or other grounds is taking adjournment and he is making objection to proceed under section 59(2) of RERA Act, 2016 for imposing penalty against them. In such view of the matter, there is no material in the petition of the respondent- promoter. Accordingly, the petition of the respondent- promoter is hereby rejected.

Put up on 24.07.2025 for further hearing.

Sd/-
(Ved Prakash)
Special Presiding Officer
RERA, Bihar