

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Special Presiding officer,

Mr. Ved Prakash, RERA, Bihar

Case No: RERA/SM/433/2019

Authorised Representative of RERA

...Complainant

Versus

M/s. Aristone Homes Pvt. Ltd.

...Respondent

Project: Hitech City at Patna

Present: For Authority: Mr. Ankit Kumar, Legal representative of the Authority

For Respondent: Mr. Ritesh Kumar Singh, Director

03.04.2025

ORDER

1. The Real Estate Regulatory Authority, Bihar issued show- cause notice on 30.08.2019 to the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 for advertising and taking booking amount in the project “Hitech City at Patna” without prior registration of 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.
2. The Learned legal representative for Authority during the course of hearings submitted that the respondent-promoter has advertised its project Hitech City at Patna without registering with the Authority and to substantiate his submission he put reliance on the advertisements dated 30.08.2019 and others placed on the record.
3. The Respondent has filed its reply, submitting that the promoter has not undertaken the development of the project in any manner. He further submitted that while he had proposed a project titled “Hitech City at Patna,” no advertisement was made in any form. The promoter further contended that no agreement exists between the landowner and the

developer concerning the said project, nor has any specific advertisement been published in any newspaper. The promoter further submitted that the project was only upcoming of the promoter, in which notice was issued to him by the Authority. Additionally, the promoter asserted that no advance booking amounts have been collected from customers and this fact find support from the company's books of account. Finally, the promoter submits that there is no substantial evidence to establish that the project is "ongoing"; rather, it is characterized as "upcoming."

4. Learned legal representative for Authority objected the submissions of respondent stating that the respondent clearly advertised the project "Hitech City at Patna" which is available on record. It is very much clear from the advertisement that it was published over the website for public view.
5. Heard and perused the record.
6. The first proviso of Section 3 of the Act says 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.
7. 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."

8. The Bench observes that it is evident from the advertisements placed on the record that promoter advertised this project without registration of the project with RERA, Bihar.
9. The Bench also observes from the advertisement placed on record, that it was published over the website for public view. Moreover, respondents do not produce any conclusive documents from which it may be established that project was dropped prior to enforcement of RERA Act 2016.
10. Hence, In the light of observations made above, it is established that respondent company has advertised their project Hitech City Patna without registration with RERA Bihar and thereby contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 and liable for the penalty under Section 59(1) of the RERA Act 2016.
11. The Technical Team of Authority visited at site of the project submitted its report dated 01.02.2025 placed on the record which has estimated cost of the project Rs.36,03,300/-. Accordingly, the Bench imposes a penalty of Rs 25,000/- (Twenty Five Thousand) under Section 59(1) of the RERA Act, 2016 against the respondent/ promoter, which is less than 1% of the total estimated cost of the project. This amount has to be paid by the respondent company within sixty days of this order, Non-compliance with this directive will result an action under Section 59(2) of the RERA Act, 2016.

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

Sd/-

**(Ved Prakash)
Special Presiding Officer
RERA, Bihar**