



REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of
Hon'ble Chairman, Mr. Vivek Kumar Singh, RERA, Bihar
RERA/SM/348/2019

Authorised Representative of RERA..... Complainant

Vs.

M/s Rounak Homes Pvt. Ltd. Respondent

For the complainant: Mr. Rishikesh Rajan, Advocate

For the Respondent: Mr. Sumit Kumar, Advocate

Project:—ROUNAK ENCLAVE, LATA BASANT KUNJ, RAM LAKHAN
SUMITRA APARTMENT & AKHILESH ENCLAVE

PROCEEDING

08.08.2024 Matter taken up. Mr. Rishikesh Rajan, LR, appears for the complainant. Mr. Sumit Kumar, Advocate, appears for the respondent.

Learned counsel for the respondent submits that Lata Basant Kunj is not the project of the respondent. The respondent's project is Basant Prem Niwas, which has already been completed. He further submits that he filed a petition on 15.01.2024 on behalf of the respondent wherein it has been specifically stated that advertisement was made by Sulekha.com and, therefore, Sulekha.com may be impleaded as party respondent in this case and reply regarding the advertisement may be sought from it. The Authority observes that there is nothing on record to show that the respondent has initiated any civil or criminal action regarding the advertisement having been brought out and without his will or consent. Furthermore, Sec 3 of the Act puts the onus of adherence of section 3 upon the promoter. Hence, the said petition dated 15.01.2024 is not liable to be

considered at this forum, which is supposed to deal with section 3 violation by the promoter.

Learned counsel for the complainant further submits that this case has come today on the cause list to be heard only on the quantum of penalty as per Section 59(1) of the RERA Act, 2016 as the transgression had been discussed decided and decided in the interim order dated 07.11.2023/09.11.2023. The project was advertised by the respondent without getting the project registered with RERA in violation of Section 3 of the RERA Act, 2016.

The Authority observes that in the instant case, the valuation report is yet to come, but going by the generally prevalent rates in the project area, with a view to expedite the final disposal of the matter, a penalty of Rs. 10,00,000/- is proposed to be imposed upon the promoter. If the promoter is of the firm opinion that the penal amount is more than 10% of the estimated cost of the project, then the promoter may submit its own estimate of the project within 1 week.

Put up for hearing on 05.09.2024.

Sd/-
Vivek Kumar Singh
Chairman