

REAL ESTATE REGULATORY AUTHORITY, BIHAR

In the Court of Adjudicating Officer

Case No: RERA/SM/422/2019

Authorised Representative of RERA

...Complainant

Versus

M/s. Viable Infra Projects Pvt. Ltd.

...Respondent

Project: VIP Madhuvan

Present: For Authority: Shri Abhinay Priyadarshi , Authorized Legal Counsel

For Respondent: Sanju Kumari, Director

23.07.2024

ORDER

The matter was taken, learned counsel for Authority is present. Respondent is absent.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 02.08.2019 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 **VIP Madhuvan** 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 its reply on 13-08-2019, stating therein that they not register the project due to non-sanctioning of Map. They further submitted that they neither taken any advance nor advertised the

same. However, during proceedings before this bench respondent has not appeared. Hence, order is being pronounced on the basis of materials available on the record.

Perused the record. The Authority observes that the promoter had taken booking in this project without obtaining registration from RERA, Bihar. Further it is also observed that it is evident from the complaint filed before the Authority by complainant/allottee placed on record that the respondent-promoter had taken booking of flat and made allotment after the enactment of the RERA Act without registration of the project from RERA.

The Bench notes that technical wing of RERA has submitted its report with estimated cost of the project.

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 holds that the respondents have advertised their project and taken booking without registering the same with the Authority and thereby violated the provisions of Section 3 of the Real Estate (Regulation & Development) Act, 2016.

In the light of observations made above, it is established that respondent company has contravened the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016 by not registering their project namely **VIP Madhuvan** with the Real Estate Regulatory Authority, Bihar, the Authority has decided to levy a penalty as per Section 59(1) of the RERA Act, 2016. The penalty amount is Rs.2.50 lakh/-, (Rupees Two Lakhs Fifty Thousand only) which is less than 1% of the total estimated cost of the project. This amount is to be paid by the respondent company within sixty days of the issuance of this order. Non-compliance with this directive will result in action under Section 59(2).

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

Sd/-
Ambrish Kumar Tiwari
A.O.