

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mr. Naveen Verma, Chairman**

**Case No: RERA/SM/290/2018**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. S.D. Constructions and Developers**

**...Respondent**

**Project: Ahilya House & Bihta Plan.**

**Present: For Complainant: Shri. Ankit Kumar, Advocate.**

**For Respondent: None**

**14.03.2023**

**ORDER**

Real Estate Regulatory Authority, Bihar issued a suo motu show- cause notice on 06.12.2018 to the Directors of the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising the project Ahilya Homes, Indrapuri & Bihta Plan, Patna through the brochures on their website without registering the project with RERA, Bihar. The promoters were directed to show cause as to why proceedings under Section 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them.

The respondent company in its reply dated 21.12.2018 & 28.02.2019 had stated that he started construction work in the name of M/s. S.D. Construction and Developers and Ahilya Homes but since he could not succeed in this business, he had no option but to stop the construction work. He further stated that they did not take any booking in above-mentioned project and no advertisement and publication has been given to any newspaper nor any board or wall writing on behalf of firm has been done.

On hearing dated 28.02.2019, the M.D. of the respondent company had submitted that he had removed his website few weeks ago. He further declared on oath that he does not have any project as of now.

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, it is established that the respondent company has advertised their project without registering the project with the Authority and thereby violated the provisions of Section 3 of the Real Estate (Regulation & Development) Act, 2016.

Since the respondent company have contravened the provisions of section 3 of the Real Estate (Regulation and Development) Act, 2016 by advertising their project "Ahilya Homes, Indrapuri&Bihta Plan, Patna" through the brochure on the website without registering the project with the Real Estate Regulatory Authority, Bihar, but keeping in view the fact that the said project has been dropped by the company, the Bench decides to levy a token penalty of Rs 10,000/- ( ten thousand Only) on the respondent company to be paid within sixty days of the issue of the order.

Sd/-  
**Naveen Verma**  
**Chairman**