

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

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

**Case No: RERA/SM/309/2018**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. Aranya Plotters & Builders Pvt. Ltd.**

**...Respondent**

**Project: Bio City (Bela) Phase - 1**

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

**For Respondent: None**

**24.03.2023**

**ORDER**

Real Estate Regulatory Authority, Bihar issued a suo motu show- cause notice on 18.12.2018 to the Directors of the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising the project Bio City (Bela) Phase-1 through the brochures 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 21.06.2019, stated that due to land issues between the company and the landowner, the Bio-City (Bela) Phase-1 project was dropped in April 2017. They further stated that the respondent company had never advertised, marketed, booked, sold, or offered for sale, or invited persons to purchase in any manner, any plot in any real estate project or part of it.

The Authorised Representative of RERA had filed counter reply dated 06.08.2019 of the respondent and stated that the Authority under powers conferred upon it under proviso II to Section 3(1) of the Real Estate (Regulation and Development) Act, 2016 directed all promoters and developers, through an order dated 03.05.2018, to register their real estate projects which are proposed to be developed or being developed beyond the planning area but with the requisite approval of the Local Authority in the State, with the Real Estate Regulatory Authority, Bihar.

During the hearing held on 30.01.2023 the Authorised Representative of RERA point out that in order dated 31.10.2019 RERA/CC/142/2018 passed by the Authority in which it has been stated that the respondent company had

accepted the advance booking amount of Rs.8,79,000 in February,2017 and Rs.1,80,000 in March, 2018.

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 Authority further notes that the submission of the respondent by the way of affidavit stating therein that the project was dropped in the year April 2017 is not consistent with the payment received. After perusing the record of RERA/CC/142/2018 it is observed that the promoter/respondent company had accepted the payment from the allottee/buyer in March,2018 in the respect of project i.e. Bio City (Bela) Phase-01.

The Authority holds that the respondent company had made the booking and accepted the first instalment in February 2017 before the Real Estate (Regulation and Development) Act, 2016 came into force. It also takes note of the submission of the promoter that the project "Bio City (Bela) Phase-1" has not been advertised and that the brochure was prepared for internal use and the project has since been dropped due to issues with the landowner.

The Authority therefore drops this proceeding with the direction that the promoter would not advertise or book any plot in future without registering the project with the Real Estate Regulatory Authority, Bihar.

Sd/-  
**Naveen Verma**  
**(Chairman)**