

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Single Bench of Mrs. Nupur Banerjee, Member**

**Case No: RERA/SM/554/2022**

**Authorized Representative of RERA**

**...Complainant**

**Versus**

**M/s. R.R. Builders & Developers Pvt. Ltd.**

**...Respondent**

**Project: Sanchar Nagar, Phase - 2**

**Present: For Authority: Shri Rishikesh Rajan, Advocate.**

**For Respondent: Shri Sanjay Singh, Sr. Advocate**

**05-07-2024**

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**22-07-2024**

**ORDER**

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 05-08-2022 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 **Sanchar Nagar, Phase - 2** 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 reply stating therein that the project **Sanchar Nagar, Phase – 2** has not been initiated and neither its plan has been undertaken on the ground and the land has been acquired for such project which is still on the drawing board.

On the proceeding dated 14-05-2024, the learned counsel for the respondent submitted that the promoter has published the brochure in 2017 for the project Phase-1, thereafter Phase-1 and Phase-2 brochure was published sometime in the year 2016 but as per the allegation raised that they have found in the brochure on the webpage in 2022, which shows that the project is still alive, but there

is no development work going on regarding this Phase-2 project on the site and there is no project existing at all. The learned counsel submitted that they have done by mistake and taken money from some persons for sale deeds. He submitted that money was adjusted in Phase-1 project as because there is no development work on Phase-2.

Perused the record. The Authority observes that the promoters have evidently advertised their project namely **Sanchar Nagar, Phase - 2** without obtaining registration from RERA, Bihar.

The Bench notes that technical wing of RERA has submitted its report dated 12-01-2024 with evidence and 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 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 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. 5,00,000/- , 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. Furthermore, the Authority directs to remove all the advertisement of the project from all medium. The promoter is also directed to apply for the registration of the said project within 60days.

With these directions, the matter is disposed of.

**Sd/-**  
**Nupur Banerjee**  
**Member**