

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**In the Court of Adjudicating Officer**

**Case No: RERA/SM/604/2023**

**Authorised Representative of RERA**

**...Complainant**

**Versus**

**M/s. Maa Shakti Developer Pvt. Ltd.**

**...Respondent**

**Project: Gaytri Apartment**

**Present: For Authority: Shri Abhinay Priyadarshi , Advocate.**

**For Respondent: Mr. Sumit Kumar & Akash Deep, Advocate.**

**31.05.2024**

## **ORDER**

The matter was taken, learned counsel for Authority along with learned counsel for Respondent company is present.

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show-cause notice on 05.07.2023 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 **Gaytri Apartment** 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. This Suo-Motu notice has been issued after the order passed in complaint case no. RERA/CC/503/2022, AO/62/2022 by the Authority.

The respondent filed a reply stating that the project does not fall under preview of the RERA Act as the project land is less than 500 Sq.M. and total number of flat is eight only.

The Technical Wing submitted its report dated 10-02-2024 stating inter-alia that total area of land is 4226.5 sq.feet. and flat is 8 only.

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.”

Perused the materials placed on record and considering the submissions of respondent and taking into account the report of technical wing, the Suo Motu proceeding initiated under Sections 35 & 59 of the Real Estate (Regulation & Development) Act 2016 vide show- cause notice dated 05.07.2023 for violation of section 3 of the Real Estate (Regulation & Development) Act 2016 is being dropped against the respondent company for the project **Gaytri Apartment**.

With these observations, the matter is disposed of.

**Sd/-**

**Ambrish Kumar Tiwari**

**A.O.**