

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No: RERA/SM/97/2018

Authorized Representative of RERA

...Complainant

Versus

M/s. Ashirwad Engicon Pvt. Ltd.

...Respondent

Project: PNB Galaxy 1

Present: For Authority: Shri Rishikesh Rajan, Advocate.

For Respondent: None

05-07-2024

23-07-2024

ORDER

The Real Estate Regulatory Authority, Bihar issued a Suo Motu show- cause notice on 12-06-2018 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 **PNB Galaxy 1** 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.

Perused the record. The Authority observes that the respondent has failed to file reply despite several opportunities, therefore order is being passed on the basis of documents available on record.

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.”

The technical wing has submitted its technical report dated 17-01-2024 with estimated cost of the project.

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. 8,00,000/- , 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. If the respondent fails to pay the penalty amount within 60 days then further action under section 59(2) would be taken. The promoter is also directed to apply for the registration of the said project within 60days. Let a copy of order be sent to the respondent.

With these directions, the matter is disposed of.

Sd/-
Nupur Banerjee
Member