

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Double Bench of Mr Naveen Verma, Chairman,
& Mrs Nupur Banerjee, Member**

Case No. RERA/SM/18/2018

Authorised Representative of RERA.....Complainant

Vs

M/s Technoculture Building Centre Pvt. Ltd.....Respondent

Project: Vastu Vihar Sitamarhi, Phase- I

18.10.2022

ORDER

Real Estate Regulatory Authority, Bihar issued a suo motu show- cause notice on 03.05.2018 to the Directors of the respondent company for contravention of section 3 of the Real Estate (Regulation & Development) Act 2016 by advertising the project **Vastu Vihar Sitamarhi, Phase- 1** through the brochures on their website without registering the project with the RERA, Bihar. The promoters were directed to show cause as to why proceedings under 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against them. It was brought to the notice of the Authority that the respondents have been advertising and taking advances against the bookings made in the project.

The respondent company in its reply dated 19.05.2018 had stated that the said area was not notified under any planning area.

The Authority takes note that under the second proviso of Section 3 of the Act, RERA Bihar, by its general order dated 3.5.2018, had directed promoters to register their projects falling outside the planning area.

On the last date of hearing i.e. 30.08.2022, the respondent company had stated that after the notice was issued they had filed application for registration along with fine of Rs 4 lakhs and they have not violated any of the provisions of the RERA Act.

The respondent have filed their reply on 5.9.2022 stating that the project was completed but since some extension was going on , they filed an application and project was registered on 26.03.2019.

The promoter has submitted that their application for extension of registration is pending in RERA. I/c Registration is requested to examine this and put up separately. The promoter has submitted that the project has since been completed and the completion and occupancy certificates have been uploaded.

In the present matter even though the respondent company is claiming that they have not booked any plot or made any advertisement of the project after commencement of the Act but, they have admitted the fact that the project was ongoing and after issuance of suo-motu notice, they have applied for registration.

Taking note that after issuance of suo motu notice, they have applied for registration of the project by paying an amount of Rs.4.00 lakhs as registration charge along with late fee, the Authority directs that the late fees paid by the promoter be treated as penalty and this amount be deposited in the appropriate budget head of the State Government.

With this direction the matter is disposed of.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman