

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs Nupur Banerjee, Member

Case No. SM/580/2023

Authorised Representative of RERA.....Complainant

Vs

M/s Shine City Infra Projects Pvt LtdRespondent

Project: Tashi Sector-3

21/03/2023

O R D E R

1. The Government of India has enacted the Real Estate (Regulation & Development) Act, 2016 to protect the interests of the consumers and regulate and promote the real estate sectors in the country. All the sections of the Act have come into force with effect from 1st May, 2017 in the entire country except the State of Jammu & Kashmir. Real Estate Regulatory Authority for the State of Bihar has been constituted by the Government of Bihar and the Chairperson along with two Members have assumed their duties on 2nd April, 2018.
2. Under the first proviso of Section 3 of the Act, all the ongoing commercial and residual real estate projects were required to register by 31st July, 2017 with the Real Estate Regulatory Authority, Bihar except in projects where area of the land proposed to be developed does not exceed five hundred square meters or number of apartments proposed to be developed does not exceed eight inclusive of all phases.
3. 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. Promoter of ongoing real estate projects in which all buildings as per sanctioned plan, have not received Completion Certificate, shall also be required to be registered for such phase of the project which consists of buildings not having occupation or Completion Certificate.
4. If any promoter fails to register the project as per the Act, he shall be liable to a penalty which may extend up to ten per cent of the estimated cost of the real estate project. On continued violation, he shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to a further ten per cent of the estimated cost of the real estate project, or with both. Apart from registration, the promoter shall be required to provide quarterly updates on the status of the project to the Authority.
5. Since it was brought to the attention of the Authority that in spite of several extensions of the deadline given by the State Government, the respondent company failed to register or apply for registration of their ongoing real estate project "Tashi Sector Phase-3" located at Patna, the Real Estate

Regulatory Authority (RERA), Bihar issued a suo motu notice dated 12.01.2023 to Shri Ritesh Mishra, Director, Shine City Infra Projects Pvt. Ltd., under Section 35 and 59 of the Real Estate (Regulation & Development) Act, 2016 to show cause as to why proceedings under Section 35 & 59 of the Real Estate (Regulation & Development) Act 2016 may not be initiated against him, his company and other Directors/officials of the company for non-compliance of the provisions of Section 3 of the Act.

6. In spite of notice issued to the respondent, they have not chosen to appear nor filed any reply.
7. Hearing was held on 06/02/2023 but none has appeared on behalf of the respondent. Therefore, this case was fixed for orders and the Technical Wing of RERA was directed to visit the site of the project and make assessment of the project and submit a report.
8. In compliance to the proceeding dated 06.02.2023 the Technical Wing, RERA has submitted its report that the project is not registered in RERA, Bihar and it is ongoing project. It is also stated in the report that the total area of the land is 102.09 acre (3265 Katha) and the total estimated cost of the project is 109.75 crore.
9. Since the respondent was continuously advertising, marketing, booking, selling apartments/ plots without registering the real estate project with RERA, so the Authority imposes a penalty of 2% of the total estimate of the project which comes to Rs.2.19 crore to the promoter to be paid within sixty days of the issue of the order.
10. With this direction, the matter is disposed of.

Sd/-

(Nupur Banerjee)
Member