

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**Before the Bench of Mr. Naveen Verma, Chairman & Mrs.**  
**Nupur Banerjee, Member.**

**RERA/SM/539/2022**

**Authorised Representative of RERA** **.....Complainant**

**Vs**

**M/s Delcon Homes Pvt. Ltd.** **.....Respondent**

**Project: West Park, Near New Era School, Faridpur, Patna.**

**12.12.2022**

**ORDER**

The Authority had received information that a project West Park, Near New Era School, Faridpur, Patna was being advertised without being registered with RERA. Thereafter, a notice for initiating suo-motu action for violation of Section 3 of the Act was issued by the Authority on 12.07.2022 to the Director of M/s Delcon Homes Pvt. Ltd. as one of the advertisement showed the name of this Company.

During the hearing held on 18.08.2022 learned counsel for M/s Delcon Homes Pvt. Ltd. had submitted that they were not concerned with the project nor any advertisement had been issued by them.

However, the learned counsel for the Authority refuted this as the project West Park was being advertised on YouTube in the name of Delcon Homes Pvt. Ltd. He also submitted that the other Company Realex Servicon Pvt. Ltd. shown in the advertisement is located at the same address as that of Delcon Homes Pvt. Ltd. and the promoters and Directors are same.

The learned counsel of M/s Delcon Home Pvt. Ltd had submitted that although, these two companies are at the same location, they are separate legal entities. Accordingly, notice issued to M/s Realex Servicon Pvt.

Ltd. treating it as a separate entity on 23.08.2022. However, the Director of M/s Delcon Homes Pvt. Ltd. was advised to file an affidavit stating that they have no concern with the advertisement on the YouTube being in their name. This was reiterated during the hearing held on 25.08.2022 and they were advised to show evidence action being taken against the other company for issuing advertisements in their name.

The matter was listed on 08.11.2022 wherein another opportunity to M/s Delcon Homes Pvt. Ltd. to file an affidavit. A penalty of Rs.10,000/- (Ten Thousand) was also imposed for not complying with the direction of the Authority.

The Authority takes note of the oral submission of the learned counsel and the show cause submitted on behalf of M/s Delcon Homes Pvt. Ltd. on 18.08.2022 as well as the show cause filed today by M/s Realex Servicon Pvt. Ltd. and notes that adequate opportunity was given to the former to file an affidavit about the action taken against using their name in the you tube advertisement before penalty was imposed and hence there is no merit in the submission of the promoter to waive this amount.

Perused the records. No affidavit has been filed by M/s Delcon Homes Pvt. Ltd. They are directed to deposit the penalty of Rs.10,000/- as per the interim order within one week failing which action under Section 40 (1) of the Act to recover the penalty would be initiated.

M/s Realex Servicon Pvt. Ltd. have submitted their show cause. This matter was heard today. The learned counsel for the promoter submits that the application for

registration was rejected as the project is located beyond the planning area and the provisions of section 3 of the RERA Act, 2016 are not attracted in their case and hence the matter may be dropped.

The learned counsel for the Authority submits that the advertisement is still being displayed on you tube

The Authority observes that its jurisdiction extends throughout the State using the powers conferred on it under the second proviso of Section 3 of the RERA Act. The project has to be registered before issuing any advertisement for sale.

The Authority , therefore, holds that M/s Realex Servicon Pvt. Ltd. is guilty of violating Section 3 of the Act by issuing advertisement without the project being registered with RERA.

The Authority has been informed that the company has purchased land and no development work has been undertaken. The Authority is informed that about 2 acres of land had been purchased by the company in the village. The Authority estimates the cost of land in the Real Estate project at Rs.2.00 crore and imposes a penalty of Rs.2 lakh @ 1% of the cost of the project. The promoter and Directors of M/s Realex Servicon Pvt. Ltd. are directed to deposit the penalty amount within 60 days. They are also advised to immediately withdraw the you tube advertisement , failing which action under Sec 59(2) of the Act would be taken.

With these directions the matter is disposed of.

Sd/-  
**(Nupur Banerjee)**  
Member

Sd/-  
**(Naveen Verma)**  
Chairman