

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs Nupur Banerjee

Case No. RERA/SM/567/2022

Authorised Representative of RERAComplainant

Vs

M/s DNS Homes Pvt. Ltd.

.....Respondent

Project: Suvidha Enclave near IIT Patna & Suvidha Enclave Phase-2

03/02/2023

ORDER

Hearing taken up.

The learned counsel for the Authority submits that the respondent has advertised the project on their website and has violated section 3 of the RERA, Act so heavy penalty may be imposed on the respondent.

Learned counsel for the respondent submits that the respondent has already filed reply and today he has filed their show cause. In this case, for this project suo moto action has been initiated against the respondent. He submits that the respondent is not a promoter he is an agent and the agent is registered with RERA, Bihar. He submits that this project was not in existence. The project has not been approved by any authority. He submits that the respondent was only working as an agent and has advertised the project on his website for which a partnership deed to advertise the project. He submits that the project is of third party i.e. Jun Suvidha Salesmart Pvt. Ltd. So, the agreement made between the respondent and Jan Suvidha Salesmart Pvt. Ltd. was never executed. He referred the reply filed and submits that now the advertisement has been removed from the website and the same was inadvertently published on the website by the operator. He submits that the 2nd project has not been initiated and it is only in talk.

The Authority observes that regarding Suvidha Enclave IIT at one time had an agreement with the third party but that has been matured but, in the meantime, advertisement was made. Later on, it was removed but it is made at one time which is an offence under the RERA Act. The promoter is apologizing for this. The Authority consider the registration certificate of Real Estate Agent issued by RERA, Bihar.

The Authority, therefore, holds that M/s DNS Homes 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 respondent has removed the advertisement from their website just after knowing the violation of the RERA,

Act. The Authority imposes a penalty of Rs. 1 lakh on the respondent. The respondent and Directors of M/s DNS Homes Pvt. Ltd. are directed to deposit the penalty amount within 60 days. They are also advised to immediately withdraw the advertisement from the website and from all other mediums, 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