

# **REAL ESTATE REGULATORY AUTHORITY, BIHAR**

Before the Bench of Mr. R.B. Sinha, Member

**Case No. CC/1384/2020; CC/1385/2020**

Anamika Kumari/ Mr. Ravi Kishore & other .....Complainants

Vs

M/s Sheba Welcon Builder Pvt. Ltd.....Respondent

Present: For Complainants: Mr. Sumeet Singh, Advocate

For Respondent: Mr. Vijay Kr. Sinha, Advocate

**31/03/2021**

## **INTERIM ORDER THROUGH VIDEO CONFERENCING**

Hearing taken up through video conferencing. Mr. Sumeet Singh, complainant counsel is present. Mr. Vijay Kr. Sinha, respondent counsel is present.

Complainant counsel submits that complainants had purchased property in Rajeshwar Apartment situated at Gola Road. Flat no. 202 (Anamika Kumari) was booked and a registered sale deed was executed on 13/08/2019 in favour of the complainant. He further submits that the property is still incomplete and the project is not yet registered with the Real Estate Regulatory Authority, Bihar which violates Section 3 of the Real Estate (Regulation and Development ) Act 2016.

He further submits that complainant Mr. Ravi Kishore approached the respondent for registering flat no.201. He further submits that the builder has taken some amount and agreement of sale dated 05/03/2019 has been executed and is on record. He further submits despite of entering into an agreement of sale, the complainant has received the cancellation amount in their account as well as through cash. He further prays for refund of the money or the registration of the flat. However Bench feels that the registration of flat can only be done when the project is complete and in the present case the project is incomplete

Respondent counsel submits that he has not received the copy of complaint petition in both the cases to which the complainant counsel submits that when the matter was listed in January, respondent counsel himself admitted and prayed for time to submit response to the complainant petition and then the matter was further listed on 24<sup>th</sup> March and for two months no objection/plea was taken by the respondent counsel regarding receiving of complaint petition.

The Bench feels that the building is being constructed illegally and RERA registration has still not been obtained by the respondent company. The Bench further observes that the inspection report of RERA Legal Team confirmed that the project is still incomplete and there is no work going on presently. It is further observed that the respondent is not complying with the orders of the Bench even after repeated directions and has not done any constructive work as of yet. It is further observed by the Bench, inspite of repeated directions, the promoter has not applied for registration of his Project "Rajeshwar Apartment" with the Authority. It is therefore established that the promoter has violated the Section 3 of the Real Estate (Regulation and Development) Act, 2016.

The Bench expressed its disgust and displeasure over the conduct of the Respondent Company/Promoter and further feels it necessary and fit to issue an interim order against the respondent company as despite several directions, the respondent company has not registered the project under RERA.

It is also observed that the Director of M/s Shebha Welcon Builder Pvt. Ltd. owns other company i.e. M/s Amina Construction Pvt. Ltd. Cases against M/s Amina Construction Pvt. Ltd (CC/734/2019; CC/1543/2020 & CC/1733/2020) are also pending before this Bench and the conduct of the Respondent is same in the aforesaid mentioned cases.

In view of the aforesaid facts and keeping in view the approach, conduct and continued construction work of the respondent company without registration of the Projects with the Authority, the Authority deems it proper

and necessary to issue of interim order under Section 36 to be read along with Section 34 (f) & Section 37 of the Real Estate (Regulation & Development) Act, 2016.

It is therefore, directed that until further order, all bank accounts of **M/s Shebha Welcon Builder Pvt. Ltd.** and their two directors **(i) Amina Rashid (Director) (DIN No:- 01335926)**, **(ii) Md. Khalid Rashid (Director) (DIN No:- 02090642)**; shall be frozen with immediate effect and IG Registration is also requested to issue necessary directions to all DSRs/Sub-Registrars, including Patna/Phulwarisharif/Danapur not to register any apartment/plot of project “**Rajeshwar Apartment**” and any other project of **M/s Shebha Welcon Builder Pvt. Ltd.** till further order.

Registrar of Companies (ROC), Patna is requested to provide necessary detail like PAN, Bank Account, DIN and Aadhaar details of the respondent companies and their directors within two weeks, so that the Authority may take necessary action against the respondent company. **(M/s Shebha Welcon Builder Pvt. Ltd.: CIN- U45200BR2011PTC016792)**

Let a copy of this order be forwarded to concerned State Level Bankers Committee, LHO, Gandhi Maidan, Patna, for taking necessary action.

Let this order be communicated to the following:

(1) Md. Khalid Rashid, 102, Jagat Clave Centre, Frazer Road, P.S Kotwali, Patna, Bihar- 800001, Mob No. 9162320936, Email: sunilkumarchyadv@gmail.com

(2) Md. Khalid Rashid, 102, GMK Apartment, Near Paras Hospital, Road No. 01, Samanpura, Raja Bazar, Rukunpura, P.O. B.V.College, Patna, Bihar- 800014 Mob. No. 9162320936, Email: sunilkumarchyadv@gmail.com

IT Consultant has been directed to upload a copy of this order on the Authority's website.

**Put up on 10/05/2021 for hearing.**

**R.B. Sinha,  
Member**