

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/1202/2020

Rajesh Kumar Singh **Complainant**

Vs.

M/s Shinecity Infra Project Pvt. Ltd. **Respondent**

Project: Tashi Sector-1

ORDER

23.05.2022

This matter was last heard on 22.04.2022.

The complainant booked plot no.E-628 and E-627 on 27th September 2018 in the project Tashi Sector-1, Sector- PCB. The total consideration amount for the plot was Rs.2, 00,000 each which the complainant paid in full. The company promised to register the plot within 3 months after making payment of the booking amount. Since the respondent has neither given the possession nor has registered the plot in complainant's name he has filed the present case praying for refund of amount paid along with 18% interest.

The complainant has placed on record copy of e-receipts dated 28/09/2018 against payment of Rs.4,00,000/- duly issued by the respondent company Aadhar card, and Pan Card.

The Authority notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA. This matter may be included in the Suo Moto proceeding against the respondent company. It is observed that the respondent company has not applied for RERA registration as yet, and hence, the offence is of continuing nature.

Perused the records, No reply has been filed by the respondent.

During the course of hearing the respondent never appeared before the Authority. An interim order was passed on 24.02.2021, directing to freeze all the bank accounts of the respondents and further directed the IG Registration not to register any apartment/plots of the aforesaid project and the matter was further referred to Economic Offence Wing of Bihar Police.

On the request made by the Authority, the EOU vide letter no:- 5941 dated 23.08.2021 requested the SSP, Patna to look into the matter and take necessary action against the respondent company and connected persons.

The Bench directs that a copy of the proceedings/order may be sent to SSP, Patna for appropriate action.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing, orders are being pronounced.

Having heard the submissions, the Bench hereby directs the respondent company and their directors to refund the principal amount of Rs.4,00,000/- to the complainant along with interest at the rate of marginal cost of fund based lending rate (MCLR) of State Bank of India as applicable for three years from the date of taking the booking till the date of refund within sixty days of issue of this order.

With these directions and observations, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)