

REAL ESTATE REGULATORY AUTHORITY, BIHAR,

Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/426/2024

Manoj Kumar Choudhary Complainant

Vs.

M/s Shine City Infra Project Pvt. Ltd.Respondent

PROJECT: TASHI SECTOR -1

For the Complainant: In person

For the Respondent: None

14.05.2025

ORDER

The complainant is present but the respondent is absent as usual because earlier also this case was listed on 20.11.2024, 08.01.2025 and 16.04.2025 but the respondent never appeared in spite of notice and reminder notice issued by the office.

The case of the complainant is that he had booked a plot bearing no.E-1106 of area 1000 sq. ft. in the project - Tashi Sector -1- Sector – PCB of M/s Shine City Infra Project Pvt. Ltd. by making payment of Rs.2,50,000/- to the respondent – developer and in support of the same he has filed payment e-receipt, which is on the record. He further submits that the respondent had assured him to deliver possession of the land till 2020 but till date neither possession of the land has been delivered nor the respondent has refunded his aforesaid amount in spite of request being made by him. He also submits that the respondent is knowingly and intentionally not appearing in this case and he is being harassed. Hence, an exparte order may be passed with direction to the respondent to refund his aforesaid amount.

Perused the record. The Bench observes that the respondent - promoter neither honoured the commitment made to the complainant of handing over possession of the land nor is

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showing interest in getting this case disposed of by appearing in the case in spite of notice and reminder notice issued to him. The Bench presumes that the respondent – promoter has nothing to say in this matter and only wants to harass the complainant by not appearing in this case. In such a situation, the Bench is left with no option but to pass the order ex parte on merit on the basis of material available on the record as the case cannot be allowed to remain pending for an indefinite period.

In the backdrop of the submissions made by the complainant and on going through the material available on record, the Authority directs the respondent - company and its Director to refund the principal amount of Rs.2,50,000/- to the complainant along with interest at 2% above marginal cost of fund-based lending rate (MCLR) of the State Bank of India on the date on which the amount becomes due till the date of payment within sixty days of issuance of order.

With the aforesaid observations and direction, this case is disposed of.

Sd/-

(Ved Prakash)

Special Presiding Officer, RERA, Bihar.