

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Ved Prakash,
Special Presiding Officer

RERA/CC/393/2024

Rina Kumari

....Complainant(s)

Vs

M/s Shine City Infra Project Pvt. Ltd.

....Respondent

PROJECT- Swargaya Bhoomi

For the complainant:

Mr. Arun Kumar, (Adv.)

For the respondent :

None

21.05.2026

CORRIGENDUM

It has come to the notice of this bench that the draft order (uncorrected) was uploaded on the web site of RERA by mistake. The same has to be corrected in the manner that in place of draft order dated 21.04.2026, the corrected order through this corrigendum shall be read which are as under;

Shri Arun Kumar, learned counsel on behalf of complainant is present, none is present on behalf of respondent.

2. The learned counsel for complainant submits that complainant has paid Rs. 1,80,000/- out of total consideration Rs. 7,20,000/- for purchase of plot bearing no. C-116 in Block -C, having an area of 1800 sq. ft in the project "Swargaya Bhoomi" phase -2 at Gaya and an agreement between both the parties was executed on 29.10.2018. Learned counsel further submits that the complainant had further paid Rs. 4,50,000/- in the scheme of Tashi Sector -1 (PCB) at village - Dariyapur, P.S. Naubatpur, District -Patna against plot no. E-781 and E-782, admeasuring an area of 1000 sq. ft, each under the scheme of 50% payment and accordingly, the complainant has purchased both the plots, namely, E-781 & E-782.

3. Learned counsel further submits that the complainant has invested Rs. 1,19,600/- under the scheme of Maruti Alto car known as BID AND HOT DEAL OFFERS PRODUCT AND DESCRIPTION whereunder the respondent has assured the complainant that the said car would be delivered within 90 days from the date of payment and the complainant has paid the said

amount in March, 2019. On expiry of the said period, though the respondent issued a cheque bearing no. 003138 of Kotak Bank of the amount of 2,75,000/- in favour of complainant, but the said cheque got bounced due to insufficient balance on 16.03.2020. Pursuant thereto, the complainant lodged an FIR against the respondent as Chandauti P.S case no. 117/2020 dated 06.07.2020u/s 406,420,467 & 468 of the IPC, which is still pending before the Additional Chief Judicial Magistrate –IX, Gaya, awaiting the submission of final form/charge-sheet vide GR case no. 3303/2020

4. The learned counsel for complainant further submits that she filed a petition on 16.07.2020 before the Collector, Gaya requesting him to take possession of the said lands in the said project and also to restrain execution of sale deed by the respondent, but no action has been taken so far by the administration. The complainant exhausted all remedies available under the law.

5. Considering the submissions of learned counsel for complainant as well as on going through the records and also on the basis of material available on record, the bench observes that in spite of repeated notices, the respondent is not appearing and it has also come to the notice of the bench that the Director of respondent company has gone abroad and is residing in some foreign country, and his whereabouts is not being traced out. Hence, the case is taken up for an ex-parte hearing against the respondent.

6. It further appears from the case record that the Enforcement Directorate (ED), in the meanwhile has initiated a criminal case against the respondent for illegal process of making/earning money, and therefore, the ED (Lucknow) has attached all the lands, including the land over which the complainant is laying her claim.

7. The complainant has filed the instant case before the Authority to get possession of said lands in the project of the respondent, but the ED has detected a good deal of illegal process of making money through criminal acts fraud etc and therefore, the ED (Lucknow) has attached all lands pertaining to Shine City Infra Project and this way, the RERA, Bihar in spite of attachment of land of respondent promoter situated at Gaya and Naubatpur, Patna, is ceased to act further in the matter. It is also a settled

law that no proceeding of similar cause of action can be entertained simultaneously in two forums enacted for different purposes. RERA enacted by Parliament is to deal with matters relating to real Estate whereas Enforcement Directorate, which has overriding power, has to stop illegal process of making money through unlawful activities.

8. In the light of above discussions, the Bench holds that this authority is ceased to act further in the matter since the whole issue pertaining to acquiring of lands at Gaya and Naubatpur, Patna by the respondent and his activities are subjudice before the ED Court at Lucknow. In such view of the matter, The instant case is presently not maintainable before the Authority. However, the complainant , if so advised, is at liberty to approach the ED (Lucknow) for redressal of her grievances. Hence, the instant case is disposed of.

However, the complainant is at liberty to file a fresh case before the Authority after the order of ED Court, Lucknow.

Sd/-
(Ved Prakash)
Special Presiding Officer