

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S.D. Jha, RERA, Bihar,

RERA/CC/15/2024

Nishant Gupta Complainant

Vs.

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

For the complainant: In person

For the Respondent: None

Project:– TASHI SECTOR - 1

ORDER

06.06.2024 Hearing taken up. The complainant appears in person through virtual mode. The respondent is absent.

2. The complainant reiterates his submission that he booked Plot no.B-44 of 2450 sq. ft. in Block –N of the project on consideration amount of Rs.15,92,500/- out of which he paid Rs.3,98,125/- vide Cheques dated 30.1.2019 of Rs.71000/-, dated 31.01.2019 of Rs.2,00,000/- and dated 31.01.2019 of Rs.1,27,125/- but no Agreement For Sale was executed. The possession of plot was to be handed over by 28.01.2024 but till date neither the plot has been handed over nor money has been refunded. He has filed this complaint for refund of money with interest and in this connection he has sent cancellation letter to the respondent by mail on 03.06.2024.

3. Perused the record. The Authority observes that the respondent neither honoured the commitment made to the complainant of handing over of plot nor is showing interest in getting this case disposed of by appearing in the case in spite of notice issued on 22.05.2024 with further direction that in case of non-appearance/non-compliance, it would be presumed that the respondent has nothing to say in this matter and an order would be passed on the basis of material available on the record. Considering the

hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority does not think it proper to allow this case pending for further period and, accordingly, this case is disposed of today itself.

4. In the backdrop of the submissions made by the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Director Mr. Mr. Asif Naseem and Additional Director Mr. Rashid Naseem to refund the principal amount of Rs.3,98,125/- to the complainant along with interest within sixty days of issue of this order. The rate of interest payable by the promoter shall be at two percent above the prevalent Prime Lending Rates of the State Bank of India on the date on which the amount becomes due till the date of payment.

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

**Sd/-
S.D. Jha,
Member**