

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Full Bench of Mr Naveen Verma, Chairman,
Mr. R.B. Sinha & Mrs Nupur Banerjee, Members

Case No. CC/465/2019, CC/1084/2020, CC/1210/2020, CC/1211/2020, CC/1086/2020, CC/1323/2020, CC/399/2019, CC/1214/2020, CC/1247/2020, CC/1257/2020, CC/1292/2020, CC/1554/2020, CC/1820/2020, CC/1821/2020, CC/1860/2020, CC/345/2021, CC/647/2019, CC/742/2019, CC/810/2019, CC/1529/2019 AO/1502/2019, CC/970/2019, CC/971/2020, CC/972/2020, CC/973/2020, CC/1004/2020, CC/1022/2020, CC/1025/2020, CC/1085/2020, CC/1087/2020, CC/1088/2020, CC/1089/2020, CC/1090/2020, CC/1091/2020, CC/1092/2020, CC/1103/2020, CC/1104/2020, CC/1128/2020, CC/1132/2020, CC/1133/2020, CC/1134/2020, CC/1135/2020, CC/1202/2020, CC/1203/2020, CC/1204/2020, CC/1205/2020, CC/1206/2020, CC/1213/2020, CC/1224/2020 AO/344/2020, CC/1242/2020, CC/1258/2020, CC/1322/2020, CC/1327/2020, CC/1328/2020 AO/384/2020, CC/1330/2020, CC/1331/2020, CC/1332/2020, CC/1357/2020, CC/1377/2020 AO/403/2020, CC/1393/2020, CC/1394/2020, CC/1397/2020 AO/384/2020, CC/1403/2020, CC/1406/2020, CC/1407/2020, CC/1428/2020 AO/433/2020, CC/1429/2020 AO 434/2020, CC/1444/2020 AO/444/2020, CC/1445/2020 AO/445/2020, CC/1489/2020 AO/474/2020, CC/1397/2020 AO/414/2020, CC/1568/2020 AO/523/2020, CC/1569/2020 AO/524/2020, CC/1570/2020 AO/525/2020, CC/1705/2020, CC/1706/2020, CC/1728/2020, CC/1775/2020, CC/1776/2020, CC/1794/2020, CC/1861/2020 AO/662/2020, CC/1878/2020, CC/66/2021 AO/43/2021, CC/85/2021, CC/147/2021, CC/148/2021, CC/149/2021, CC/157/2021, CC/158/2021, CC/159/2021, CC/160/2021, CC/160/2021, CC/167/2021, CC/168/2021, CC/169/2021, CC/170/2021, CC/171/2021, CC/230/2021, CC/232/2021, CC/244/2021, CC/245/2021, CC/246/2021, CC/315/2021, CC/321/2021, CC/322/2021, CC/346/2021, CC/347/2021, CC/348/2021, CC/349/2021, CC/350/2021, CC/360/2021, CC/366/2021, CC/367/2021, CC/370/2021, CC/406/2021, CC/415/2021, CC/416/2021, CC/479/2021, CC/480/2021, CC/484/2021, CC/486/2021, CC/487/2021, CC/488/2021, CC/494/2021, CC/506/2021, CC/175/2021 AO/94/2021, CC/229/2021, CC/231/2021, CC/316/2021, CC/1454/2020, CC/1419/2020 AO/427/2020, CC/1430/2020 AO/435/2020, CC/1740/2020 AO/602/2020, CC/1741/2020 AO/603/2020, CC/1742/2020 AO/604/2020, CC/1743/2020 AO/605/2020, CC/1769/2020 AO/616/2020, CC/1804/2020 AO/630/2020, CC/1805/2020 AO/631/2020, CC/1815/2020 AO/633/2020 & CC/1816/2020 AO/634/2020

Arvind Kumar/Kumud Kumari/Pratima Devi/Sarita Kumari/Pratibha Devi/Vijay Kumar Singh/Santosh Kumar Mishra/Deepak Kumar/Avinash Kumar Choubey/Rajeev Ranjan Pandey/Randhir Kumar Choubey/Ravi Kumar/Manish Kumar/Manish Kumar/Sony Kumari/Lalpari Devi/Gaurav Prakash/Anand Shankar/Rajesh Kumar/Ranjana Devi/Md Tufail Ansari/Md Tufail Ansari/Md Safdar/Md Mahfuzul Haque/Lalit Vijay Rai/Anupam Sinha/Rohini Kumari/Sushil Kumar Sharma/Chitranjan Kumar Singh/Priti Kumari/Sanjay Kumar/Manoj Kumar/Ratnesh Kumar/Sunil Kumar/Satish Kumar Singh/Hiralal Das/Subash Singh/Dr Shankar Kumar Jha/Rajiv Ranjan Mishra/Dr Dharmendra Bahadur Singh/Harendra Kumar/Rajesh Kumar Singh/Kriyang Kumar Prasar/Sunita Devi/Md Ashraf Ansari/Mr Anzar Alam/Usha Kumari/Saroj Sharan/Avinash Kumar/Dependra Kumar Mishra/Basuki Nath Singh/Meena Gupta/Rubi Kumari/Sweta Sinha/Ashutosh Kumar/Hari Om Sharan/Shada Tabassum/Ashish Kumar Singh/Sanjay Kumar/Sanjeev Kumar/Umesh Kumar/Shailish Kumar/Shashi Bhushan Singh/Rohit Kumar Parmar/Sanju Devi/Manoj Kumar/Sanjeev Kumar/Akansha/Vijay Kumar Vijeta/Umesh Kumar/Kamlesh Ram/Gita Kumari/Manoj Kumar/Sanju Singh/Amresh Kumar/Binod Kumar Anand/Soni Kumari/Upendra Kumar Thakur/Pinki Kumari/Ankit Kumar/Shashank Ranjan/Prem Ashwin/Rinki Kumari/Ashwini Kumar Ojha/Archana Kumari/Pappy Kumari/Sushmita Kumari/Munni Devi/Kanchan Devi/Arti Devi/Annu Kumari/Jayant Kumar/Kundan Kumar/Rajeev Kumar/Indu Devi/Atalya Narayan Lal/Suraj Kumar/Manoj Sharma/Kranti Kumar Hindustani/Kirti Kumari & Jitendra Kumar/Dilip Paswan/Soni Kumari/Pramod

Kumar/Pramod Kumar/Hiravali Devi/Lav Kumar Pandey/Erawat Dev/Jay Prakash Tiwary/Manjeet Kumar Pathak/Ashutosh Tiwary/Yamunadhr Sharma/Nita Singh/Rinku Devi/Janeshwar Prasad Singh/Amarendra Kumar Singh/Rajeev Ranjan/Rajesh Kumar Sharma/Pankaj Kumar Sinha/Abu Rahman Khan/Tanvir Naiyar/Wasiunnisa Khanam/Shailesh Narayan Lal/Syd Md Anwar/Puja Sharma/Ruby Sharma/Swadesh Sharma/Usha Devi/Niranjan Kumar/Suman Singh/Manoj Kumar/Princess Gitanjali/Indu Sinha/Sangeeta Rani/Rekha Kumari/Vijendra Kumar/Shobha Sinha/Rajesh Kumar Gupta/Mohit Mohan/Anil Kumar Mehta/.....Complainant

Vs.

M/s Shine City Infra Projects Pvt Ltd/Shine City Charioteer of Reliable Service Pvt Ltd/Tash Developers Pvt Ltd/.....Respondent

Projects: Nisarg/ Swarga Bhumi/ Dausa Pip Plan/Omna/Tashi Sector 1/Tashi Sector 1 PCB/Tashi Sector 2/Tashi Sector 3/Tashi Naubatpur.

Present: For Complainant/s: Mr Nishant Kumar/Mr Puneet Sidhartha/
Mr Manoj Kumar/Mr Ishteyaque Ahmad, Adv

For Respondent: Mr BK Singh, Advocate
Mr Upadhya Chandra Abhishek (Authorised Signatory, Omna Project) (Resp.3)

28/06/2021

PROCEEDING THROUGH VIDEO CONFERENCING

Hearing taken up through video conferencing. Some of the complainants are present along with their learned counsels Mr Nishant Kumar/Mr Puneet Sidhartha/ Mr Rakesh Roshan/Mr Ajay Kumar/Mr Manoj Kumar/Mr Ishteyaque Ahmad. Mr BK Singh, learned counsel of the Authorized Signatory Mr Upadhya Chandra Abhishek of M/s Shinecity Charioteer of Reliable Services Pvt Ltd (Respondent No.3) are also present.

Learned counsel of the complainant Mr Nishant Kumar submitted that the respondent is continuously sending messages through whatsapp that he is coming to India soon to refund the money. In this regard he has also filed a petition under section 36 of Act, 2016. Altogether 36 allottees have sent their FIRs to concerned police officials against which in 21 cases, hard copies have been sent to RERA and the remaining will be sent soon. Learned counsel of the Authority confirmed that papers relating to 21 cases have been received.

Learned counsel further submitted that the Authority in its last order has observed that Section 3 of the RERA Act has been violated and requested for action as per provision of Section 59(2) for imprisonment of 3 years. The Authority observed that as per Section 80 of the Act, Magistrate First Class has to take action.

Learned counsel of the complainant Mr Puneet Sidhartha submitted that as per provision of Section 59, the Authority may take up Suo Moto hearing; under Section 59(1). impose fine up to 10% of the estimated cost; and if not complied then action as per Section 59(2) another 10% fine and 3 years imprisonment can be initiated. He

further submitted that papers for filing three FIRs have been sent through email/by post. He further submits that he has filed 2 supplementary counter affidavits on behalf of complainants Manish kumar and Soni Kumari .

The complainant Mr Suman Singh submitted that the FIRs against the MD of the respondent company and his brother have been filed and papers sent to RERA.

The Authority observes that any complainant/allottee desirous of filing a FIR, may send a copy of the FIR to RERA,.

Mr Upadhyya Chandra Abhishek, submitted that headquarter of the company was located in Lucknow and that the Patna office was taken care of by Varanasi office where one Mishra ji was the Branch Manager who was also the in-charge of Patna office. He himself was the authorized signatory of the company and he resigned from the company in 2019. There was another man named Pranav Singh who was in-charge of registration work and collected money from the intending buyers and was responsible for direct deposit into the company's bank accounts in Kotak Mahindra Bank, ICICI Bank and Bandhan Bank. Altogether there were around 50 bank accounts in different names of the company. Cash deposit in the domination of Rs 20,000/- was allowed which was collected and lump sum amount sent to Varanasi office once a week. Daily business report was prepared through different company's software. There was common office at Patna for all the companies. Franchises were also given to several other persons to propagate and collect money. He further submits that Mr. Pranav Singh, Authorized signatory of M/s. Shinecity infra projects Pvt ltd had died due to road accident last year.

The Authority directed Mr Upadhyay to submit all the details he has about the company and his statement on affidavit and to assist RERA and the Police as request for setting up a SIT for probe in the matter has already been sent.

Learned counsels of the complainants submitted that the authorized signatory Mr UCN Abhishek should be asked to be present and attend all the future hearings and give whatever details he has about the respondent company on affidavit.

The Authority requested Mr Upadhyay to disclose details of land or any property of the Shinecity group in Bihar to which he submitted that perhaps the respondent has 4-5 bighas of land in Naubatpur, Patna and assured that whatever he knows about the respondent, he will share it with RERA.

He further submitted that in 2019 the MD of the respondent company was in Nepal where he was put in jail for his various acts. After that the downfall of the company started and thereafter the MD Rashid Nasim and Asif Nasim fled to Dubai.

He further submitted that in Muzaffarpur there are two projects – Kasira and Paraaj. Altogether 9 projects were running – two at Muzaffarpur, two at Gaya, three at Patna, one at Sasaram, one at Bihta and one at Rajgir.

Mr Ishteyaque Ahmad, learned counsel of the complainant Ms Shada Tabassum (CC-1357/202) submitted that she had deposited Rs 19 lakh for 3200 sq ft of land in

August, 2018 and the registration was done but no possession was given and mutation of the registry is under processes .

The complainant Mr Sonu Singh submitted that the respondent collected money from him but did not register the land till date.

The Authority briefed that the Government has been informed and the DGP has been requested to constitute a SIT for a probe in the matter and efforts are being made to lodge FIRs at one place. An inter-disciplinary investigation team is also being constituted which will include experts from forensic audit/Police/Economic Offence wing, finance etc. RERA, UP has also been contacted.

The complainant Mr. Kumud Kumar (CC/1084/2020) submitted that after the respondent company fled from the scene, he contacted its Gaya office for cancellation where they were assured that refund will be made. He stated that details of land held by the respondent companies have been sent by e-mail to RERA. The complainant Mr Ashutosh Kumar submitted that he has sent the list of documents showing possession of land by the promoters and uploaded on their website when they were advertising their properties have been sent by e-mail to RERA.

The Authority directs its learned legal counsel, Adv Sumit Kumar to compile all communications pertaining to this case that have been received in RERA, whether in soft copy or hard copy, and submit those before the Full Bench.

The learned legal counsel of the Authority will put up all these communications and the application filed by learned Adv Nishant Kumar to Secretary RERA for taking up the matter with DGP, Bihar. The letter sent to DGP, Bihar will form part of the proceedings and be posted on the website.

The Authority directs that the names of all the 10 projects be included in the communication sent to DGP, Bihar.

Secretary RERA is requested to put up a compliance report on the various directions of the Authority in respect of the cases filed against the respondent companies. Thereafter final orders would be given by the Authority.

Order reserved.

Sd/-

Nupur Banerjee
Member

Sd/-

R.B. Sinha
Member

Sd/-

Naveen Verma
Chairman

भू-सम्पदा विनियामक प्राधिकरण
(REAL ESTATE REGULATORY AUTHORITY, BIHAR)
चौथा/छठा तल्ला, बिहार राज्य भवन निर्माण निगम लिमिटेड, मुख्यालय भवन, परिसर
शास्त्रीनगर, पटना-800023

Letter No-RERA/Shinecity/30/2021/243

Patna, dated:- 29.06.2021

From

Kamal Narayan Singh
Secretary

To

Director General of Police
Bihar, Patna

Sub:- Regarding Constitution of SIT

Ref:- This office letter no 200 dt.-11.06.2021 (Photocopy attached)

Sir,

In the subject matter as referred to above, I am directed to say that vide our previous letter, it was requested to notify a Police Station where the complainants can get their FIRs lodged against the companies namely M/s Shine city Infratech Project Pvt. Ltd, M/s Shine city Charioteer of Reliable Service Pvt. Ltd and their directors- Rashid Nassem and Asif Naseem as well as Rajeev kumar Singh and Amitabh Kumar Srivastava.

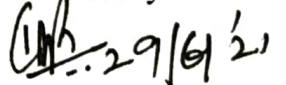
Till date, a total of 42 complainants have submitted their FIRs with RERA Full Bench, out of which 41 are in legible form. Remaining 1 person's FIR was not legible. He has been asked to submit the same which can be read clearly.

Therefore, in continuation of this office pervious letter under reference, 41 FIRs are being sent in original (list enclosed) with a request to kindly direct the notified Police Station to lodge these FIRs in the interest of Justice. As and when the other complainants submit their FIRs, the same will also be sent for lodging the FIRs in future too.

This has the approval of Competent Authority.

Encl:- As above.


Yours sincerely


(Kamal Narayan Singh)
Secretary

Memo No:- RERA/Shinecity/30/2021/243

Patna, dated:- 29.06.2021

Copy to:- Additional Chief Secretary, Home Department Govt. of Bihar along with enclosures for information and needful please.


(Kamal Narayan Singh)
Secretary

List of the Persons (Complainants) who have submitted their FIRs with the Authority

Sl. No.	Name
1	Sony Kumari
2	Manish Kumar
3	Satish Kumar Singh
4	Rohini Kumari
5	Prem Ashwin
6	Pinky Kumari
7	Lalit Vijay Rai
8	Kumud Kumari
9	Niranjana Kumar
10	Mrigank Kumar Prasar
11	Sunita Devi
12	Pratima Devi
13	Sushil Kumar Sharma
14	Sarita Kumari
15	वासीयुन्नीसा खानम
16	Abu Rahman Khan
17	Tanvir Naigar
18	Avanish Kumar
19	Randhir Kumar Choubey
20	Avinash Kumar Choubey
21	Anupam Sinha
22	Gaurav Prakash
23	Binod Kumar Anand
24	Munni Devi
25	Rajesh Kumar
26	Rajesh Kumar Sharma
27	Shailesh Narayan Lal
28	Nita Singh
29	Dilip Paswan
30	Rinku Devi
31	Pankaj Kumar Sinha
32	Soni Kumari
33	Pramod Kumar
34	Tuifail Ansari
35	Basuki Nath Singh
36	Basuki Nath Singh
37	Priyanka Kanchan/ Ashutosh Kuamr
38	Priti Kumari
39	Hira Lal Das
40	Kranti Kumar Hindustani
41	Jayant Kumar

(Signature)
 - 29/6/21
 (Kamal Narayan Singh)