

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Single Bench of Mr. Naveen Verma, Chairman**

**Case No.CC/1242/2020**

**Avanish Kumar.....Complainant**

**Vs**

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

**Project: TASHI sector -1**

**ORDER**

**24.05.2022**

This matter was last listed on 25.04.2022.

The complainant, booked plot no. C-69 and C-70 in the project Omna IIT Patna and paid Rs.8,00,000 in total in 2018. On request of the complainant company transferred booking in project TASHI sector -1 and allotted two plots i.e C-88 and C-89 of similar size on same payment with the assurance that company will get RERA registration and register the plots immediately after that. The respondent has till now neither given possession. The complainant has filed the present case praying for refund of amount paid along with interest.

The complainant has placed on record copy of e-receipts against payment duly issued by the respondent company.

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.

On the last date of hearing complainant reiterated his prayer.

Having heard the submissions, the Bench hereby directs the respondent company and their directors to refund the principal amount of Rs.8,00,000/- 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)