

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No.CC/1357/2020

Shada Tabassum.....Complainant

Vs

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

Project: Tashi Sector-1

24.05.2022

26.05.2022

This matter was last heard on 18.05.2022. It was earlier heard by the Full Bench in 2021

The complainant, booked plot no. 752, sub plot no. A-8 in the project Tashi Sector-1 for total consideration of Rs.19,20,000 which she paid in full. Absolute sale deed was executed on 25.08.2018. Even after making full payment the respondent has till now not given possession. The complainant has filed the present case praying for immediate possession of the plot.

The complainant has placed on record copy of sale deed no.9645 dated 25.08.2018, Aadhar card, Pan Card Bank Account Statement,.

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 the Bench noted that the complainant via mail submitted that even though deed of absolute convenience has been executed on 25.8.2018, mutation has not been done by the C.O., Naubatpur Anchal on the ground that they would need an order/ notification from the RERA, Bihar.

The Bench observes that there is no such bar on the mutation proceeding, particularly when the sale deed has been registered. The Bench directs to issue a letter to CO Naubatpur that there is no such restriction on mutation proceedings.

With these directions and observations, the matter is disposed of.

Sd/-
Naveen Verma
(Chairman)