

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/170/2021

Smt. Indu Devi **Complainant**

Vs.

M/s Shinecity Infra Project Pvt. Ltd. **Respondent**

Project: Tashi Sector-1

ORDER

13.05.2022

This matter was last heard on 20.04.2022.

The complainant, Smt. Indu Devi booked plot no. E-391 in the project Tashi Sector-1 on 31.07.2018 for which she paid Rs. 1,51,000/- vide cheque no:- 146720 and Rs. 4,00,000/- vide cheque no:- 374464 . Since respondent has not done any work till date, the complainant sought relief for refund of amount paid to the respondent along with interest and Compensation. She has filed the money receipts no:- R1098833 amounting Rs. 1,51,000/- which was given by the respondent.

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 it was further observed that the respondent never appeared before the Bench. 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.

On last date of hearing the learned counsel of the complainant reiterated his prayer and submitted that respondent company has not complied with the Interim Orders of the Bench.

The Bench observed that the respondent has been absent on all the dates of hearing. The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority can be approached only after the promoter fails to respond to such communication. However, since the matter has already been heard, and the promoter is not appearing ,orders are being pronounced.

Having heard the submissions the Bench hereby directs the respondent company and their directors to refund the principal amount of Rs.5,51,000/- 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.

The complainant is at liberty to approach the Adjudicating officer under relevant sections of the Act for their claims, which are in the nature of compensation from the respondent company.

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

Sd/-

Naveen Verma
(Chairman)