

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/361/2021

Sri Yamunadhar Sharma **Complainant**

Vs.

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

Project: Tashi Sector-1

ORDER

12.05.2022

This matter was last heard on 25.04.2022.

The complainant, Sri. Yamundhar Sharma booked plot no. E-838 in the project Tashi Sector-1 on 26.09.2018 for which he paid Rs. 1,00,000/- vide cheque no:- 009541 and Rs. 1,00,000/- vide cheque no:- 006943. Further submitted that he booked another plot no: D-267 in his wife's name in Omna, IIT Patna for which he paid Rs.4,96,860. 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. He has filed the money receipts amounting Rs. 2,00,000/- 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.

Upon 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 the last date of hearing the learned counsel of the complainant reiterated his prayer.

The Bench observed that the complainant has sought relief for the two different project in this particular complaint, he purchased plot E-838 and another plot in D-267 at Omna, IIT Patna on his wife's name. The two different case cannot be clubbed together and hence, the Bench directed to file a fresh case for the another project.

Having heard the submissions of both the parties the Bench hereby directs the respondent company and their directors to refund

the full principal amount of Rs.2,00,000 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 plus one percent 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)