

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

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

**Case No. CC/1292/2020**

**Randhir Kumar Choubey..... Complainant  
Vs.**

**M/s Shine City Charioteer of Reliable Services Pvt. Ltd..... Respondent**

**Project: Omna IIT (Patna)**

**ORDER**

**20.05.2022**

This matter was last heard on 22.04.2022.

The case of the complainant is that he purchased plot no.D-48, Block D in the project Omna IIT (Patna) dated 18.08.2017 with the respondent for the total consideration amount of Rs. 6,88,750/-against which he paid Rs.4,21,868 /-. The complainant made the part payment through NEFT and further directed to pay the remaining amount under the OTS scheme so that registration will be done within a month i.e. July 2018 by the respondent company. Despite the several requests made to the respondent company to handover the possession of the plot, failing which the complainant stopped the payment in April 2019. The respondent did not sign the Buyer's Agreement and failed to handover the possession. Therefore, the complainant has filed the present case praying for refund of the amount paid along with interest.

The complainant has placed on record a copy of Plot buyer's agreement and details of the instalment payment schedule made to the respondent and 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.

The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority ought to 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. 4,21,868 /-. Rupees Four lakh seventy thousand seven hundred sixty one only) 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 two 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)