

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

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

**Case No. CC/1327/2021**

**Meena Gupta.....Complainant  
Vs.**

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

**Project: Tashi Sector- 1**

**ORDER**

**20.05.2022**

This matter was last heard on 22.04.2022. It was earlier heard by the Full Bench in 2021.

The case of the complainant is that she booked plot no. 51 in the project Tashi Sector-1 in 2017 for the total consideration amount of Rs. 12,25,000/- against which she paid Rs.8,26,875/-. The complainant further stated that initially she paid Rs. 4,28,750 and then rest amount Rs 7,96,250/- by that time the company brought a scheme that is an allottee pay 50% of the amount in one time the remaining 50% due would be waved off, and the complainant lured and paid Rs, 3,98,125/-. Since respondent has not handover the possession of plot, the complainant sought relief for refund of amount paid to the respondent along with interest, litigation cost and compensation.

She has filed a copy of payment e-receipts amounting Rs.8,26,875/- duly acknowledged 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.

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. Rs.8,26,875/- 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)