

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/1085/2020

**Sushil Kumar Sharma.....Complainant
Vs.**

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

Project: Tashi Sector-1

ORDER

22.08.2022

This matter was last heard on 17.08.2022.

The complainant booked plot no. E-885, E-779, m E-778, DA-501, DA-19317 in the project Tashi Sector-1 in 2018. The total consideration amount for the plots were Rs. 10,50,000/- which the complainant paid in full. The respondent company failed to handover the possession. Since the respondent has neither given possession nor executed the registered deed in favor of the complainant, this matter has been filed for refund of the amount paid along with interest.

The complainant has placed on record copy of money receipts duly issued by the respondent company.

Perused the records. No reply has been filed by the respondent.

On the last date of hearing complainant submitted that he has paid the consideration in the account of Mr. Manish Kumar, Vice President of the respondent company.

Despite issuance of notice to both the parties, they failed to appear before the Bench. Hence, the orders are being pronounced on the basis of available records and submissions made by the other complainant in similar cases.

The Authority observes that notices were issued under section 69 of the RERA, Act to Mr. Manish Kumar, Vice President of the respondent company to appear before the Bench but he failed to appear.

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.

The Authority recalls that in similar cases filed before it, 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.

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.

Having heard the submissions, the Bench hereby directs the respondent company, its directors and Mr. Manish Kumar, Vice President V.C. of the respondent company to refund the principal amount of Rs. 10,50,000/- 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.

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

Sd/-

Naveen Verma
(Chairman)