

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/350/2021

Manjeet Kumar Pathak

..... Complainant

Vs.

M/s Shine City Infra Project Pvt. Ltd.

..... Respondent

Project: Tashi Sector-1

ORDER

28.06.2022

This matter was last listed on 24.05.2022.

The case of the complainant is that he, booked plot no. E-308 in the project Tashi Sector-1-Sector-PCB and paid a sum of Rs.2,00,000 in 2018. The complainant has filed the present case praying for refund of amount paid along with Interest and compensation of Rs.50,000.

The complainant has placed on record copy of e-receipts against payment of Rs. 2,00,000/- duly issued by the respondent company and Aadhar card.

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 observed that both the parties has failed to appear before the Authority, despite notice having been sent.

The Bench notes that the complainant ought to have sent the letter for cancellation of his booking to the promoter and approached the Authority only after the promoter had failed to respond to such request.

Taking notes of the documents filed the Bench hereby directs the respondent company and their directors to refund the 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 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 other claim, 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)