

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/399/2019

Santosh Kumar Mishra

..... 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 listed on 22.04.2022. It was earlier heard by the Full Bench in 2021.

The case of the complainant is that the complainant booked plot no. D-354, in Omna City IIT Patna for which he paid Rs. 8,13,800/-. Since, the respondent had not handed over the plot till dateso, the complainant has filed the complaint case for refund with interest. He has filed plot buyer's agreement dated 18.05.2018 executed between complainant and respondent, money receipts.

Perused the records. No reply has been filed 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.

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.

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 observes that the respondent has been absent on all the dates of hearing. The Bench observes that the allottee has not sent any communication to the promoter regarding cancellation of booking. The Authority can 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.

After considering the documents filed and submission made by the complainant, the Bench hereby directs the respondent company and their directors to refund the principal amount of Rs. 8,13,800/- 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)