

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No. CC/704/2021

Bhartendu Bhama..... Complainant

Vs

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

Project: Natural Valley Natural Garden Project & Tashi Project

Present: For Complainant: Mr. Nishant Kumar, Advocate

For Respondent : None

09/06/2022

ORDER

Hearing taken up. The complainant is present in person.
The respondent is absent.

Learned counsel for complainant submits that complainant had booked plots in the respondent project and had paid total amount of Rs.12.56 lakhs. He wants refund of the money with interest.

Perused the record of the case. The case of the complainant is that complainant had booked various plots bearing plot nos. E-159, C-30, E-457, E-1595, E-1596, F-311, F-311, F-310 & F-310 in the Natural Valley Natural Garden Project & Tashi Project and paid total amount of Rs.12,56,000/-. It is stated further that the complainant has invested Rs.18,86,704/- in the scheme linked with land purchase and it was told by respondent that his investment was done with the respondent under the scheme of PCB. Since, the plot was not allotted after waiting for years, the complainant has filed the present case praying for refund of amount paid along with interest.

The complainant has placed on record copy of e-receipts against the payment of Rs.12,56,000/- duly issued 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.

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

During the course of hearing in analogues cases also respondent has 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.

The Bench also notes that total money paid regarding the booking of plot was Rs.12,56,000/- only and for other amount claimed under investment schemes, the Bench observes that for such investment plans, the Authority has no jurisdiction to entertain upon and advise to approach appropriate forum to press the claim.

Considering the above observations and in the light of submissions made and documents placed, the Bench hereby directs the respondent company and its directors to refund the principal amount of Rs.12,56,000/- 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 plus 2 percent from the date of taking the booking till the date of refund within sixty days of issue of this order.

So far as claim for compensation is concerned the complainant is at liberty to press his claim before the court of Adjudicating Officer.

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

Sd/-

Nupur Banerjee

Member