

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Nupur Banerjee, Member

Case No. CC/799/2021

**Susharma Prasad.....Complainant
Vs.**

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

Project: Nisarg Sector-1

ORDER

23-12-2022

This matter was last heard on 02.09.2022 and was fixed for orders on 28.10.2022. However, due to pre- occupation of the Bench in other matter, order could not be pronounced on the date fixed.

The complainant booked plot no. E-1619 and E- 1620 in the project Nisarg Sector-1 in 2019. The complainant alleged that he has paid Rs. 3,00,000/-. Since the respondent has neither given possession nor executed the registered deed in favor of the complainant, he filed the present case praying for refund of the amount paid along with interest and compensation.

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 the representative of the complainant submitted that the complainant wants refund of the money with interest.

Despite issuance of notice to the respondent, he failed to appeared before the Bench. Hence, the orders are being pronounced on the basis of available records and submissions made by the complainant.

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 and its directors, President of the respondent company to refund the principal amount of Rs. 3,00,000/- 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 press his claim of compensation before the Adjudicating Officer.

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

Sd/-
Nupur Banerjee
(Member)