

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs. Nupur Banerjee

Case No.CC/821/2021

Mina Mishra.....Complainant

Vs.

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

Project: Tashi

ORDER

07/11/2022

The matter was last heard on 25.08.2022 and was fixed for orders on 14.10.2022. However, due to pre-occupation of the Bench in other matter order could not be pronounced on the date fixed.

The case of the complainant is that she booked a plot in the project Tashi and paid total amount of Rs.49,900/- in lieu of the booking of plot. 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, a copy of cheque showing the payment of Rs.49,900/-made to respondent in lieu of booked plot.

Perused the record of the case. No reply has been filed by the respondent.

During the last hearing complainant reiterated her prayer for refund of the amount paid to respondent.

No one appears on behalf of respondent company on the last date of hearing.

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 Bench also observes that during the course of hearing in analogous 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 E.O.W. 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.

After the perusal of documents placed on record and considering the prayer of complainant in complaint petition filed for refund, the Bench hereby directs the respondent company and its directors to refund the principal amount of Rs.49,900/- 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 two percent 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/-
Nupur Banerjee
Member