

**REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR**

**Before the Single Bench of Mr. Naveen Verma, Chairman**

**Case No.CC/85/2021**

**Ashwani Kumar Ojha.....Complainant**  
**Vs.**

**Mr. Rashid Naseem & Parnav Kumar / M/s Shine City Infra Project Pvt. Ltd..... Respondent**

**Project: Tashi Naubatpur Sector-PCB**

**ORDER**

**25.05.2022**

This matter was last heard on 18.05.2022.

The complainant, booked plot no. F-564 ,F-563 on 11<sup>th</sup> December 2018 in the project Tashi Sector-1 for total consideration of Rs.1,00,000 each and paid in full for both the plots i.e Rs.2,00,000. The respondent has till now neither given possession nor refunded the amount paid. The complainant has filed the present case praying for refund of amount paid along with interest and compensation.

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

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 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.

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Having heard the submissions, 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 their claims, 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)