

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mrs. Nupur Banerjee, Member

Case No. CC/994/2021

Mr. Sachchi Kumar **Complainant**

Vs.

M/s Shinecity Infra Project Pvt. Ltd. **Respondent**

Project: Tashi Sector- 1

ORDER

17-01-2022

This matter was last heard on 07.12.2021.

The complainant, Mr. Sachchi Kumar booked plot no. F-131 measuring 800 sq. ft. in the project Tashi Sector- 1, for which he claims that he paid Rs. 1,30,000/-. Since the respondent has not done any work till date, the complainant sought relief for refund of the amount paid to the respondent along with applicable interest. The complainant has submitted copy of agreement, copy of installment payment schedule, copy of payment details, copies of receipts bearing no. R875033 issued on 30.08.2017 for Rs. 68,000/- as allotment amount was paid via cheque bearing no. 489017 (SBI Dated 30.08.2017); R873877 issued on 29.08.2017 for Rs. 62,000/- as booking amount paid via cheque bearing no. 489016 (SBI Dated 29.08.2017); R892432 issued on 25.09.2017 for Rs. 6,500/- as installment amount paid by cash, R917040 issued on 01.11.2017 for Rs. 6,500/- as installment amount paid by cash and R1012276 issued on 23.03.2018 for Rs. 26,000/- as installment amount paid via cheque bearing no. 260714 (SBI Dated 23.03.2018).

The Bench 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 for which Suo Moto proceeding is also going on against the respondent company since 30.7.2019. It is observed that the respondent company has not applied for RERA registration as yet.

Perused the records, no rejoinder has been filed by the respondent.

However, in the other batch cases pertaining to M/s Shinecity Infra Project Pvt. Ltd. it has been observed that the Directors, Asif Nasim and additional Director, Rashid Nasim have fled to Dubai and never appeared before the Authority. A formal reference to UP RERA was also made by the Secretary of RERA, Bihar, to obtain the details of the respondent company. As per Section 32 (j) of RERA Act, 2016, a recommendation was made to State Government for constitution of a multi-disciplinary team consisting of various experts from forensic audit/ police/ economic offence/ finance to investigate the working of the respondent company. The Authority has also requested the DGP, Bihar to constitute a SIT for a probe in the matter. The State Government (OSD to the Chief Secretary) vide letter 127 dated 26.10.2021 has also informed the Authority that a Multi-Disciplinary Team under the chairmanship of Additional Chief Secretary (Finance) has also been constituted to inquire about functioning of the respondent company.

Thus, in the view of aforementioned facts, since respondent has not done any work till date, the Authority directs the Respondent Company and their Directors to refund full principal amount to the complainant along with interest at the rate of Marginal cost of lending rate (MCLR) as applicable for three years or more plus Two percent from the date of deposit to the date of refund within sixty days of issue of this order.

Sd/-

Nupur Banerjee
(Member)