

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

Before the Full Bench of Mr. Naveen Verma, Chairman, Mr. R.B. Sinha, Member  
and Mrs. Nupur Banerjee, Member

**Case No. CC/647/2019**

**Mr. Gaurav Prakash** ..... **Complainant**

**Vs.**

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

**Project: Tashi Sector- 1**

**ORDER**

**28.06.2021**

**03.12.2021**

This matter was last heard along with the batch cases before the Hon'ble Full Bench on 28.06.2021.

The complainant, Mr. Gaurav Prakash booked plot no. P-26 in name of his wife Mrs. Shanu Sinha measuring 1000 sq. ft. on the 26<sup>th</sup> February 2019 in the project Tashi Sector 1 for which he claims that he has paid Rs. 3,00,000/- out of which Rs. 2,50,029/- was bank transferred in the company's account on 15.02.2019 and Rs. 50,000/- was transferred to Mr. Vishal Rai 4 installments Rs. 1,001/-, Rs. 10,001/-, Rs. 10,001/- and Rs. 29,002/- on 22.02.2019, 25.02.2019, 26.02.2019 and 06.03.2019. 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 compensation. He has filed compliant application, list of payment details, money receipt of Rs. 2,50,000/- issued on 26/02/2019, bank statement and copy of site layout plan. Money receipt for Rs. 50,000/- has not been submitted 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 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, during the course of hearing the Authority noted that the Director, Asif Nasim and additional Director, Rashid Nasim have fled to Dubai.

During the course of hearing it was further observed that the respondent never appeared before the Bench, due to which 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 07.06.2021 the Authority directed the complainant to lodge FIR against the respondent, if desirous or to send the copy of FIR, if the FIR has already been lodged, Mr. Gaurav Prakash, complainant had lodged FIR against the respondent, the copy of the same was also sent to the Authority and further to DGP Patna, Bihar vide letter no: - 243 dated 29.06.2021.. 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.

On 28.06.2021, Adv. B.N. Singh who represented Mr. Upadhya Chandra Abhishek, who was the then authorized signatory of the respondent company but later resigned from the company in 2019, informed the Authority that there are total 10 projects of the respondent company running in the state. Mr. Upadhya Chandra Abhishek was directed by the Authority to submit all the details about the company, details of land or any other property of the Shine City Group in Bihar on affidavit to assist RERA but it is noted that nothing has been filed on behalf of Mr. Upadhya Chandra Abhishek till date. The Authority has also requested the DGP, Bihar to constitute a SIT for a probe in the matter.

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 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 the principal amount to the complainant along with interest at the rate of Marginal cost of lending rate (MCLR) as applicable for two years or plus Two percent from the date of deposit to the date of refund within sixty days of issue of this order. Bench further imposes penalty of Rs. 25,000/- (Twenty five thousand only) on the respondent directors for non-appearance.

Sd/-  
**Naveen Verma**  
(Chairman)

Sd/-  
**R B Sinha**  
(Member)

Sd/-  
**Nupur Banerjee**  
(Member)