

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR

Before the Single Bench of Mr. Naveen Verma, Chairman

Case No. CC/643/2021

Mridula Devi.....Complainant

Vs.

M/s Shinecity Infra Project Pvt. Ltd.Respondent

Project: Tashi Sector-1

ORDER

05.08.2022

This matter was last heard on 10.06.2022.

The complainant booked plot no. E-1372 in the project Tashi Sector-1 in 2018. The total consideration amount for the plot was Rs.1,50,000/- which the complainant paid in full. The company promised to execute the registered deed for the plot within 1 month after taking payment of the booking amount. Since the respondent has neither given possession nor executed the registered deed in favour of the complainant. Hence, she filed the present case praying for a refund of the amount paid along with interest.

The complainant has placed on record copy of payment duly issued by the respondent company and Aadhar card.

Perused the records. No reply has been filed by the respondent.

Despite of issuance of notice to both the parties, they failed to appear before the Bench. Hence, the orders are being pronounced on the basis of available records and submissions made by the other complainant in similar cases.

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 their directors to refund the principal amount of Rs.1,50,000/- (Rupees One Lakh fifty thousand only) 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.

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

Sd/-
Naveen Verma
(Chairman)