

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Double Bench of Mr Naveen Verma, Chairman & Mrs Nupur  
Banerjee, Member**

**Case No. RERA/CC/775/2021**

Shailesh Chandra Gupta.....Complainant

Vs

M/s DPM Infrastructure & Housing Pvt Ltd.....Respondent

**Project: DPM SHIVDHARI ENCLAVE**

**Present: For Complainant: In person**

**For Respondent : None**

**ORDER**

**26.05.2022** The matter was last heard on 17.05.2022.

The case of the complainant is that he booked a flat bearing no. 204 in August 2013. He has alleged that no construction work has taken place in the project and the respondent company has failed to hand over the possession of the flat to him and that no response was received from the respondent company upon asking for refund of the paid amount with interest for 6 years. Therefore the complaint has been filed praying for refund of the principal amount of Rs 10 lakhs along with interest for 6 years as compensation.

The complainant has placed on record copies of money receipts issued by the respondent company against payment of Rs 10 lakhs made by the complainant, KYC form dated 26.01.2014,.

The Bench notes that neither any appearance has been made by the respondent company nor any reply has been filed by the respondent company even after issuance of specific directions and notices to them on various occasions.

The complainant has appeared regularly and has reiterated his prayer for refund of principal with interest.

The Bench has perused the entire records of the case. During the course of hearing, the complainant has orally submitted that there are two more projects of the promoter which were started after the project in question and are 60% complete. The complainant has further submitted that the intention of the respondent company is mala fide as they have refused to either handover the possession or refund the deposited money.

The Bench notes that section 11 of the Real Estate (Regulation & Development) Act, 2016 casts certain duties and obligations upon the promoter and any violation of the same attracts penal action u/s 61 of the Act. Further, section 63 of the Act provides for penal action in case of contravention of the orders and directions of the Authority by the promoter. In the instant case, the respondent company and its directors were given ample opportunity to appear before the Bench and put forth their stand but they have failed to obey the directions of the Authority. Therefore, a penalty of Rs 15000/- is imposed upon the respondent company and its directors to be paid within 15 days from the date of the order failing which coercive steps to recover the same shall be taken as per the Act.

The obligation of the promoter to refund the amount to the complainant and arrange for resources to make such payment is undisputable. Therefore, under the aforesaid circumstances, the Bench hereby directs the respondent company and their Director to refund Rs. 10,00,000/- to the complainant along with interest at the rate of the marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus five percent 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 press his claim of compensation before the Adjudicating Officer.

With these direction and observation, the matter is disposed of.

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

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