

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Telephone Bhavan, Patel Nagar, Patna-800023.**

**Before the Bench of Mrs. Nupur Banerjee, Member**

**Case No. CC/798/2021**

**Shila Kumari.....Complainant**

**Vs**

**M/s DPM Infrastructure Pvt. Ltd.....Respondent**

**Project: Shivdhari Enclave**

**ORDER**

**19/07/2022**

The matter was last heard on 16-06-2022.

The case of the complainant is that complainant had booked a flat bearing flat no. 402, admeasuring 1216 sq.ft. in project Shivdhari Enclave of the respondent company in June 2014 for total consideration amount of Rs. 25 lakh and out of which she paid total amount of Rs. 21.95 lakh. It has been further submitted that the respondent did not start construction work and after several approach enquiring about start of construction work at project site, respondent has started construction work in April, 2019 and shown the work and asked to pay the remaining amount of 12 lakh and accordingly she paid the same on 06/05/2019. Thereafter, suddenly respondent stopped the construction work from 01/06/2019 after making of payment and when complainant enquired about the same, respondent told that now the construction would be continued by some other developer and flat will be handed over to complainant by December, 2020 but till date neither the construction has resumed at the project site nor the respondent has refunded the amount paid even after asking to refund the same. Hence, this complainant has been filed seeking relief to direct the respondent to refund her entire amount of Rs 21.95 lakh along with interest and compensation.

The complainant has filed an application on 2706-2022 reiterating her prayer for refund of Rs.21.95 lakh.

The complainant has placed on record Agreement for Sale dated 10-07-2019 along with money receipts, Bank Statement.

Perused the records of the case. The Bench observes that on hearing on 30-11-2021 only the learned counsel Mr. Mani Shankar appears on the behalf of

respondent company and seeks time to file reply which was allowed by the Bench but no reply has been filed and after date no one appears on the behalf of respondent despite summons issued on 15-06-2022 to respondent, therefore, the ex-parte order is being passed.

During the course of hearing on 27-05-2022, the daughter of complainant present in person has submitted that in 2014, she booked a flat and paid Rs.9,95,000/-. Since 2019 the construction work is stopped. She further submitted that her father took a loan of Rs.11 lakh and paying the EMI. She further submitted that till today, no construction work has been started at the project site after 2019. The building is incomplete. She submitted that when she tried to contact the builder, they have not responded. She further submitted that foundation level is complete. So, she paid total Rs.21 lakh. She wants refund of the amount with interest.

The Bench observes that the application of registration of Project “Shivdhari Enclave” has been rejected by the Authority by order dated 15.06.2022.

The Bench also observes that when application for registration was pending for approval before the Authority, the respondent has taken money from the complainant and violated section 3 of the Act, hence, a Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016.

In the light of submissions made, perusal of case records and considering that the application for approval of project is already rejected by the Authority and complainant has prayed for refund, the Bench hereby directs the respondent company and their Directors to refund the principal amount of Rs.21.95 lakh (Twenty One Lakh Ninety Five Thousand) to the complainant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years plus three percent from the date of taking the booking within sixty days of issue of this order.

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

Sd/-

Nupur Banerjee  
Member