

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**2<sup>nd</sup> Floor, BSNL Telephone Exchange, North Patel Nagar, Road No. 10,**  
**Patna -800023**

**Before the Double Bench of Mr. Naveen Verma, Chairman**  
**& Mrs. Nupur Banerjee, Members**  
**Complaint Case No.: CC/515/2021**

**Priya Jaiswal.....Complainant**

**Vs.**

**M/s Star India Construction Pvt. Ltd.....Respondent**

**Project: Tech - Towne**

**ORDER**

18-11-2021  
-----  
1.12.2021

The matter was last heard before the double bench on 27.10.2021.

The case of the complainant is that she had booked a Duplex house on 19-07-2016, measuring 567 sq.ft. in Tech- Towne (Tec-Villas)project and paid Rs.2,51,000/- out of the total consideration amount of Rs.11,99,000/-. The complainant further submitted that, at the time of booking it was promised by the respondent that the construction of the building shall be completed within an estimated period of 36 months with a relaxation period of further six months and after the approval of the map from PMC/Mukhiya/concerned authority, they will enter into a registered agreement with the complainant. It has been further submitted by the complainant that she repeatedly visited in the office of the respondent in order to know whether the map has been approved or not but no satisfactory reply was given except the map work is in process. The complainant submitted further that on 17.07.2016, the complainant had written an application to the respondent stating therein that as the duplex was booked on five year premium plan but she wanted to change the plan

and accordingly, she requested to waive off the premium amount of five years as she will pay the entire money about less than three years but the same was not done.

It is further submitted by the complainant that she came to know that the respondent has applied in RERA for getting approval of the project on 04-01-2019 i.e. after more than three years from the date of launching and get registration from RERA on 06-11-2019 with period of validity of registration of project from 06-11-2019 to 31-12-2022 but even after getting approval from RERA there is no development in project or construction started and neither any installments were ever demanded by the respondent. The complainant further submitted that the respondent never have intention to construct building and give possession on the time fixed but was only intention to use the earned money of the public for a long period as much as they can use and more than 5 to 6 years passed but no construction started and requested for the refund of the amount paid with interest and compensation.

The complainant has placed money receipts on record dt.19-07-2016 for Rs.51,000/-, dt.17-08-2016 for Rs.50,000, dt.19-10-2016 for Rs.50,000/-, dt.15-12-2016 for Rs.50,000/-, dt.24-02-2017 for Rs.50,000/- totaling to Rs.2,51,000/-, issued by the respondent company in respect to payments made.

Perused the records. The respondent has not filed any written reply, but has made oral submissions during hearing.

The learned counsel of the respondent company had submitted during hearing on 26-07-2021 that the respondent has refunded Rs.50,000/-to complainant and ready to pay the remaining amount as well with reasonable rate of interest.

The complainant had not denied the submissions of respondent regarding refund of Rs.50,000/- and in last hearing on 27-10-2021, he had made submissions that he had received small amount from respondent. During the hearing on 27.10.2021, the learned counsel of the complainant submitted that in July, 2021they were informed by the respondent company that they will settle the matter by October, 2021. However, the respondent company neither approached the

complainant with respect to such settlement nor contacted the complainant. The complainant submits and prays that the matter may be put up for order as the respondent company does not have any intention to settle the matter and pay the amount.

The Bench notes the submissions of the parties regarding the amount paid and observed that no documents in respect to same has been either filed by both the parties.

On the basis of the submissions and taking into consideration the documents filed, the Bench presumes that the complainant has received Rs.50,000/- paid by complainant and further directs the respondent company to refund the remaining amount of Rs.2,01,000/- along with interest on such amount at the rate of marginal cost of fund based lending rates ( MCLR ) of State Bank of India as applicable for three years from the date of taking the booking till repayment within sixty days of issue of this order

The complainant is at liberty to press her claim for compensation before the Adjudicating Officer.

Sd/-

Nupur Banerjee  
Member

Sd/-

Naveen Verma  
Chairman