

REAL ESTATE REGULATORY AUTHORITY, BIHAR
2nd 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/516/2021

Mukesh Kumar.....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 he had booked a Duplex bearing Duplex No.(B-23) on 22-03-2016 in Tech- Towne (Tec-Villas) project and paid Rs.2,54,000/- out of the total consideration amount of Rs.13,99,000/-. 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 register agreement with the complainant and accordingly the complainant was waiting for map

approval so that, the complainant may release the remaining amount of the installment but same was not done within stipulated time. It has been further submitted by the complainant that he 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 and once they will get the map, the work will start.

The complainant while referring to Annexure-2 of the complaint petition, submitted further that on 01.03.2017, he received a letter from the respondent requesting therein to release the payment of Rs.1,46,653/- at earliest before 11.03.2017 but no information regarding the status of map and work progress was provided. The complainant while referring to Annexure-3 of the complaint petition, submitted that he received a letter from respondent where the respondent had mentioned that the map has got approved from Mukhiya and has applied in PMA for approval in year 2018 itself and RERA registration work is under process. It is also further submitted by the complainant that under RERA Act, no promoter can advertise, sale, promote and construct the project unless the same got registered. It has been submitted by the complainant further that he 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 had intention to construct building and give possession on the time fixed but was only focused on using the earned money of the public for a long period as much as they can and more than 5 to 6 years passed but no construction started and therefore requested for the refund of the amount paid with interest and compensation.

The complainant has placed money receipts on record dt.22-03-2016 for Rs.51,000/-, dt.15-04-2016 for Rs.51,000, dt.26-04-2016 for Rs.51,000/- & dt.06-06-2016 for Rs.51,000/- to tallying to Rs.2,54,000/-, issued by the respondent company in respect to payments made.

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

The learned counsel of the respondent company during hearing on 26-07-2021 submitted 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, 2021 they 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 respondent and further directs the respondent company to refund the remaining amount of Rs.2,04,000/- 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 his claim for compensation before the Adjudicating Officer.

Sd/-

Nupur Banerjee
Member

Sd/-

Naveen Verma
Chairman