

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of Mr R.B. Sinha, Member

Case No.CC/822/2019

Sanjay Kumar.....Complainant

Vrs

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

**Present: For Complainant: In person
For Respondent : Mr Mohd Imtiyaz, Advocate**

19/04/2021

ORDER

1. Sanjay Kumar, S/o Sri Uma Shankar Prasad, a resident of Doctors' Colony, Kankarbagh, Patna has filed a complaint petition on 20.12.2019 against M/s Star India Construction Pvt Ltd under section 31 of the Real Estate (Regulation and Development) Act 2016 for refund of the booking deposits made by him for the flat no- 206, Block A in the Project Dhanraj Complex located at Rupaspur, Patna.
2. The Complainant has also submitted the copies of the statement of account of his State Bank of India saving bank account, correspondence made with respondent company for refund of deposit, Respondent company's KYC form, acknowledgement from the Respondent company regarding acceptance of cancellation letter etc.

Case of the Complainant:

3. In his complaint petition, the complainant has submitted that he had booked flat No.206 on 27/01/2019 in Dhanraj Complex, Beside RBI, South Gandhi Maidan, Patna by depositing Rs one lakh but since the representative of the respondent company had misled him with the plan, he cancelled the booking on 09/02/2019 and demanded refund of the deposited amount. He claimed that inspite of repeated requests, the amount has not yet been refunded by the respondent company.

4. Accordingly, a notice was issued on 02/03/2020 under Section 31 of the Real Estate (Regulation & Development) Act 2016 and Rule 36 of the Real Estate (Regulation & Development) Rules 2017 to the respondent company to submit response/reply by 20/03/2020. Since the respondent company did not submit its reply, the matter was fixed for virtual hearing on 18/11/2020 through video-conferencing. However, the hearing was adjourned due to illness of Member on 18.11.2020.

Hearing:

5. Hearing was finally held on 13/01/2021. In course of hearing, while the complainant represented himself, the respondent company was represented by Mohd Imteyaz, Advocate.
6. At the outset, the learned counsel of the respondent company submitted that the principal amount of the deposit has been refunded to the complainant. The complainant however prayed for the amount of interest as nearly two years have passed. Learned Counsel of the respondent however contested the prayer of the complainant and stated that they have already been generous towards the complainant and not charged any cancellation fee to him as the complainant was an employee of State Bank of India, a public sector bank.

Order :

7. As the Respondent company has availed the economic benefits of the deposits for nearly two years and keeping in view that no cancellation fee has been levied on the complainants as a goodwill gesture, the Bench orders the respondent company to pay the interest of the saving bank account on the deposit from the date of deposit to the date of refund.

Sd/-

Date : 19.04.2021

R.B. Sinha
Member