

West Bengal Real Estate Regulatory Authority  
Calcutta Greens Commercial Complex (1<sup>st</sup> Floor)  
1050/2, Survey Park, Kolkata- 700 075

Complaint No. WBRERA/COM 001319

Shyamal Kumar Banerjee ..... Complainant

Vs

M/s. Dharitri Infraventure Pvt. Ltd ..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
02 16.02.2026	<p>Advocate Tirthankar Basu (mobile no:- 7278543329 and email id:- <a href="mailto:tbasu4559@gmail.com">tbasu4559@gmail.com</a>) is present in today's hearing on behalf of the Complainant by filing vakalatnama and signing the attendance sheet.</p> <p>Respondent is absent in today's hearing, without any prior intimation, despite due service of hearing notice through email.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant a Memorandum of Understanding was executed between the Complainant and the Respondent through which the Respondent was to handover the possession of 2(two)BHK Flat along with open car parking and other amenities to the Complainant for a sum of Rs, 19,50,000/-. Out of which the Complainant has already paid Rs. 12,00,000/- long before the execution of the said Memorandum of Understanding. As per the annexure A of the said Memorandum of Understanding the Respondent was entitled to take deposit of 20% of the BSP at the time of execution of the same though the Complainant did not raise any objection in good faith. The Respondent primarily allotted the flat at "UNIVERSIA" Project on 07.04.2017 but they failed to give possession of the same. Later, the Respondent proposed to allot a Bungalow of 1 cottah at E-9, Block-13 in Royal Enclave Project having BSP of Rs. 22,60,000/-. But no Agreement was executed regarding that. Later, on 09.03.2019 another Agreement for Bungalow was executed for providing possession of Bungalow No. B-88 at Block No. 24 along with one car parking and a sum of s 6,80,000/- was taken by the Respondent but the possession was not handed over. Thereafter, the Complainant was again proposed for allotment of a 2BHK Flat by the Respondent at Royal Enclave Project on 21.01.2022. But till date the Complainant has not received possession a s per condition of the Memorandum of Understanding in spite of serving notice to the Respondent.</p> <p><u>The Complainant prayed for the following relief :-</u></p> <p>a. To handover the possession of the 2BHK Flat and other amenities by the Respondent at any tower in the Project of the Respondent.</p> <p>b. To waive of the complainant from paying further to the Respondent as</p>	

the Respondent has been enjoying the accrued interest on deposited amount of Rs.12,00,000/- by the Complainant since 15.03.2019.

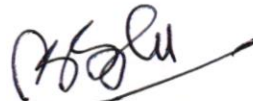
- c. An ad-interim order of injunction upon the Respondent to restrain them to take coercive steps against the Complainant by cancellation of the Memorandum of Understanding.

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions: -

The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit their Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier

Fix **6(six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority