

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(PHYSICAL)000031

Arpana Dutt

.....Complainant

Vs.

Amitava Samanta

.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 10.03.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>One Anil Shah claiming to be the Accountant of the Respondent Company (India Green Reality Pvt. Ltd) was present in the online hearing but he did not send his hazira and authorisation before the hearing, therefore, his attendance was not allowed.</p> <p>As it was mentioned in the last order of the Authority that if the Respondent fails to appear on the next date of hearing or fails to send Written Response within the stipulated time period then the Authority may proceed with ex-parte hearing of this matter.</p> <p>The Authority is of the view that taking into account the above facts and circumstances into consideration the instant matter may be heard ex-parte for giving justice and relief to the Complainant.</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainant is that, she booked an apartment bearing No.I-15 in the Project named 'Greenland Eco-Village' of the Respondent Company 'India Green Reality Pvt. Ltd'. She had deposited Rs.31,25,000/-(Rupees thirty-five lakhs twenty-five thousand) only to the Respondent for the purpose of purchase of the apartment. The Agreement for Sale was duly executed between the parties on.21.05.2012.</p> <p>The Respondent failed to deliver the possession of the apartment within the stipulated time period as agreed between the parties as per the Agreement for Sale.</p> <p>Therefore, the Respondent failed to complete his obligations and therefore bound to refund the principle amount paid by the Complainant along with interest as per the RERA Act and Rules. Rs.2,00,000/-(Rupees two lakhs) only has already been</p>	

refunded by the Respondent to the Complainant.

Hence it is hereby ORDERED,

that the Respondent shall make full refund of the principal amount of Rs.29,25,000/- (Rupees twenty-nine lakhs twenty five thousand) only along with interest @ SBI Prime lending rate plus 2% from the date of final payment by the Complainant to the date of final refund by the Respondent to the Complainant within 45 (forty-five) days from the date of receipt of this order of the Authority by email. The refund shall be made by bank transfer to the bank account of the Complainant.

Complainant shall provide her bank account details to the Respondent within 7 (seven) days from the date of receipt of this order of the Authority by email.

Respondent is also directed to hand over the belongings of the Complainant within the above mentioned period in consultation with her and also under acknowledgement by the Complainant.

Complainant is at liberty to file execution application before the Authority, if the Respondent fail to comply with this order of the Authority within stipulated time period.

Copy of this order shall be sent to both the parties by Speed Post and also by email.

With the above directions, the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority