

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

Complaint No.WBRERA/COM000245

Manas Chatterjee.....Complainant

Vs

Riverbank Developers Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 ----- 16.01.2024	<p>Advocate Bikramjit Mandal (Mob. No. 8293477948 & email Id – bikramjitmandal6@gmail.com) is present in the online hearing on behalf of the Complainant filing hazira & vakalatnama.</p> <p>Advocate Anirban Chatterjee (Mob. No. 9836700012 & email Id – adv.anirban1@gmail.com) is present in the online hearing on behalf of the Respondent, he is directed to submit his hazira and Authorization through email to the Authority immediately after today's hearing.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, the Respondent registered the project named 'Hiland Greens Phase-II' with the erstwhile WBHIRA Authority on 2nd November'2018 under Registration No. HIRA/P/SOU/2018/000130. The Complainant has been allotted apartment no. 8B, having an area of approximately 811 sq.ft., built up area 970 sq. ft. and super built-up area of 1290 sq. ft. on the 8th floor in Tower No. 1 along with covered parking measuring 135 sq. ft. in the project mentioned above on 11.01.2017. The Complainant had paid Rs.50,000/-as advance on 13.12.2018 and the Respondent Company vide a letter dated 27.12.2018 informed the</p>	

Complainant that the apartment no. 8B on the 8th Floor has been provisionally allotted to him. Thereafter, the Complainant had paid sum of Rs.5,36,226/- on 16.01.2019 and also on the same day the Complainant have paid Rs.10,877/- as stamp duty for registration of Agreement for Sale. Hence the Complainant paid total Rs.6,94,403/- to the Respondent Company and had entered into the Agreement for Sale dated 16.01.2019 with the Respondent.

Soon after 18th April, 2020, the Respondent Company informed the Complainant that it is unable to pursue the project and hence decided not to precede with the development of the said project.

The Respondent Company had informed the Complainant that they would refund the entire amount paid to them for the booking of the unit alongwith interest @SBI PLR +2% within 3 (three) months from the date of receipt of the confirmation to do so or in alternative the Respondent Company would hold the money and apply it alongwith interest @ SBI PLR +2%, as advance for bungalow which is soon to be launched by '**Ambuja Neotia Group**'. Thereafter the Complainant by a letter dated 1st May, 2020 had informed the Respondent about his consent to get the refund of the money paid by him to the Respondent Company.

After this confirmation a period of 3 years has elapsed but till date no refund was made to the Complainant.

In this Complaint Petition, the Complainant prays for the following reliefs:-

- a) The Complainant prays for refund of the money amounting to Rs.6,90,403/- paid by him to the Respondent with interest @SBI PLR +2% per annum.
- b) The Complainant further prays for compensation of Rs.20.00 lakhs for mental harassment and as cost of litigation.

After hearing both the parties, 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 his Complaint Petition on a Notarized Affidavit, giving therein in a tabular form all the payments made by the Complainant chronologically specifying date and amount of payment, 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 through email.

The Complainant is further directed to send a scan copy of the Affidavit with annexure to the Advocate of the Respondent in his above mentioned email id.

The Respondent is hereby directed to submit his 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 **28.02.2024** for further hearing and order.



(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