

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

Complaint No.WBRERA/COM(PHYSICAL)000036

Sudeb Gupta.....Complainant

Vs.

Riverbank Developers Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
4 ----- 08.08.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Anirban Chatterjee is present in the online hearing on behalf of the Respondent filing hazira and Vakalatnama through email.</p> <p>Today the Respondent has submitted a Supplementary affidavit through email, as per last order of the Authority dated 29.05.2023.</p> <p>Let the email copy of the Supplementary Affidavit of the Respondent be kept on record.</p> <p>Heard both the parties in detail.</p> <p>At the time of hearing, Complainant submitted that the Respondent failed to deliver the possession of the car parking space bearing No. HG67 to the Complainant, complete in all</p>	

respect, within 60 days from the date of receipt of the last order of the Authority dated 29.05.2023 by email.

Respondent submitted that the car parking space is under construction and it will take some more time to be completed. As an interim measure an alternative car parking may be provided to the Complainant till the car parking booked by him is completed in all respect.

Complainant did not give his consent to accept any alternative parking as an interim measure.

After examination of the affidavits of both the parties and notary attested photocopy of documents annexed with the said Affidavits and after hearing both the parties in detail in the online hearing, the Authority is of the considered opinion that the Respondent has failed in his obligation in giving delivery of possession of the covered car space bearing No. HG67 within the schedule time as per the General Terms and Conditions (GTC) executed between the parties on 1st March, 2014.

Also the Respondent failed to provide interest on Advance Payment of Rs.4,42,800/- (Four lakhs forty-two thousand eight hundred only) made by the Complainant as per the options/offers given by the Respondent in their letter dated 24.02.2017 and 19.04.2017.

Also there is a delay of around three years between the scheduled date of giving possession and actual date of possession given. The schedule date of giving possession was 01.09.2017 and actually possession was given on 25.09.2020. Therefore the Respondent is liable to give interest for the delay period of giving possession to the Complainant as specified in

section 18 of the Real Estate Regulation and Development Act, 2016 read with Rule 17 & 18 of the West Bengal Real Estate (Regulation & Development) Rules, 2021. The Respondent is liable to pay interest at the rate of SBI PLR + 2% per annum to the Complainant for the period of delay of 3 years 24 days approximately.

Hence, it is hereby

ORDERED

that the Respondent shall handover the possession of the car parking space bearing No. HG67 booked by the Complainant, complete in all respect to the Complainant within 90 days from the date of receipt of this order of the Authority by email.

Respondent shall make payment of interest on the principal amount paid by the Complainant at the rate of SBI PLR + 2% per annum for the period of delay of 3 years 24 days approximately in giving delivery of possession.

Respondent shall also make payment of interest at the rate of 12% on the amount of advance payment of Rs.2,26,500/- from the date of payment i.e. from 23.03.2017 till the date of Registration of the Deed of Conveyance on 12.10.2020.

Respondent shall also make payment of interest at the rate of 12% on the amount of advance payment of Rs.1,88,800/- from the date of payment i.e. from 22.06.2017 till the date of registration i.e. till 12.10.2020.

Respondent shall also make payment of interest at the rate of

12% on the amount of advance payment of Rs.27,500/-from the date of payment i.e. from 22.06.2017 till the date of issuance of final installment letter i.e. till 09.10.2020.

All the payments as directed above shall be made by bank transfer to the bank account of the Complainant within 45 days from the date of receipt of this order of the Authority by email.

The Complainant shall provide his bank account details, in which he wants to take the refund amount, to the Respondent within 3 days from date of receipt of this order of the Authority by email.

Copy of this order be served to both the parities by Speed Post and also by email immediately.

With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

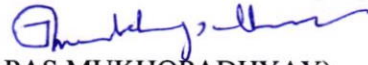
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority