

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/COM000483

Rupam Mukherjee & Mitali Mukherjee..... Complainant

Vs.

Sanjib Dey.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>23.11.2023</u>	<p>Complainants (Mob.No.9007155083 &amp; email Id- rupammukherjee@hotmail.com) are present in the physical hearing today filing hazira and also signed the attendance sheet.</p> <p>Respondent is absent in the physical hearing today despite due service of hearing notice through speed post and also by email.</p> <p>Let the copy of the track record of the service of the hearing notice of the Respondent be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainant is that, he has booked a flat Bearing No. 3B at 128 B Raja S.C. Mallick Road, Garia, Kolkta – 84 of the Respondent Company. He has paid total Rs.8,50,000/-to the Respondent Company. The Complainant stated at the time of hearing that the said project was not registered with WBRERA approval. During the loan processing by HDFC bank they found out that there were lot of deviations from original plan and a revised sanctioned plan is need. But instead of new revised sanctioned plan promoter supplied an application to KMDA for sanctioning the revised plan dated 20.03.2023. As per promoter version there is no definite timeline of getting the revised sanctioned plan. Even after lapse of 6 months, the Complainants have not received the new plan and HDFC Bank cancelled their loan application due to this. So, they have been compelled to cancel their booking. They informed cancellation of flat booking as well as refund of their invested money from the promoter multiple times over telephone on 22.07.2023, physical meeting on 26.07.2023 and formal notice on 18.08.2023, but till date they did not get their refund.</p>	

In this Complaint Petition the Complainant prays for the relief for refund of entire amount i.e. Rs.8,50,000/-alongwith interest as per RERA Act and Rules.

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 annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit 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 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 supporting documents, if any, and send the 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.

The Respondent is further directed to submit the Registration number of WBHIRA or WBRERA in his Written Response on notarized affidavit.

Fix **11.01.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)  
Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHAY)  
Member

West Bengal Real Estate Regulatory Authority