

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/COM000208

Rajkumar Mandal and Sagarika Mandal..... Complainant

Vs.

Dharitri Infraventure Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 21.11.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Sayantani Das (Mob. No. 8240745213 &amp; email Id-legalquery@dharietri-infra.com) is present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>Complainant stated that wife of the Complainant is joint allottee in the present matter and requested to include his wife Smt. Sagarika Mandal as a Joint Complainant in the present matter.</p> <p>Considered and granted the prayer of the Complainant.</p> <p>As per the Complainant, he alongwith his wife approached M/s Dharitri Infraventure Pvt Ltd, DN-51, Merlin Infinity, 6th Floor, Unit 606, Sector V, Kolkata-700091 to purchase a 3BHK apartment located at the Project '<b>Dharitri ICON</b>' of the Respondent Company situated at Mouza-Langalpota Matiagacha, J.L. No. 187, comprised in R.S. Dag No.4355,4356,4358,4362,4363,4365,4366,4366/5189,4371,4372,4373,4374 and 4386 appertaining to R.S. Khatian No. 4692, under the Police Station of Barasaat within the limits of Krittipore Gram Panchayet and office of A.D.S.R at Barasaat in the District of North 24-Parganas,Pin-700135 during the month of February 2018. From the period February 2018 to May 2018, they</p>	

have deposited Rs 6,10,000/- in 4 installments to their designated Bank Accounts. They have also paid Rs 7000/- to Mr Biswajit Das, middleman, acting on behalf of Developer.

During the month of March 2020, They were not finding any progress in the construction process, they approached the developer and they were informed that the Project has been cancelled due to some technical reasons. They have submitted a refund application for the fund paid to them till date on March 17,2020. They are yet to receive any refund from the Respondent in this regard. They have not been informed about the cancellation of the Project in any manner by the Developer and they would have probably remained in dark had they not approached them directly in their office.

The Complainants pray for the relief of refund of the entire Principal Amount of Rs 6,10,000/- along with RERA specified Interest. They also want refund of Rs 7000/- as Commission paid to the middleman.

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:-

Let Smt. **Sagarika Mandal** be included as Joint Complainant in the present matter because she is the Joint Allottee alongwith Rajkumar Mandal in the present matter and henceforth in all the records of this matter her name shall be included as a Joint Complainant.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested / self attested copy of 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 of the Authority through email.

Complainants are further directed to send a scan copy of their Affidavit to the Advocate of the Respondent in her email id which is mentioned above.

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 original affidavit 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 **18.01.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority