

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

Complaint No. WBRERA/COM 001340

Milan Kundu and Suparna Kundu Complainants

Vs

Rajwada Group Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 21.08.2025	Advocate Sri Anirban Gope (Mobile – 9830860738 and email – anirban.gope@gmail.com) is present on behalf of the Complainant in today's hearing physically signing the Attendance Sheet. He is directed to submit his vakalatnama immediately after today's hearing. Respondent is absent in the hearing, without any intimation, despite due service of the hearing notice through email. Heard the Complainant in detail. As per the Complainant, the fact of the case is that,- The Complainants, Mrs. Suparna Kundu and Dr. Milan Kundu, entered into an Agreement for Sale dated 20th June 2016 with M/s Rajwada Group for the purchase of Flat No. 8E on the 8th Floor (South-East side) in Block – Daffodil of the housing complex named "Royal Gardens," along with one covered car parking space, for a total consideration of ₹56,18,000/- and made part payments totalling ₹22,96,679/- in accordance with the agreed payment schedule. As per the agreement, the Developer was obligated to deliver khas and vacant possession of the said flat by December 2018. However, despite repeated requests and follow-ups by the Complainants, the possession was never handed over. Upon observing no substantial progress at the project site and receiving no satisfactory response from the Developer, the Complainants canceled the booking via email dated 31st December 2023, which was duly acknowledged by the Developer.	

	Subsequently, the Developer falsely alleged that the cancellation was due to non-compliance with the payment schedule by the Complainants and failed to refund the amount paid, despite earlier assuring via email dated 8th January 2024 that the refund process had been initiated and would be completed within 180 days. Due to the Developer's inaction and evasive conduct, the Complainants suffered severe financial loss, mental agony, and incurred additional expenses for alternate accommodation. Finding no other alternative, the Complainants issued a legal notice dated 14th February 2025, which has been duly served upon the Respondents. However, despite the service of said notice, the Respondents have failed to refund the sum of ₹22,96,679/- paid by the Complainants. Hence, this present complaint is being filed. The Complainant prays before the Authority for the following reliefs:- 1. Direct the Respondents to refund the sum of Rs. 22,96,679/- (Rupees Twenty-Two Lakhs Ninety-Six Thousand Six Hundred and Seventy-Nine Only) paid by the Complainants towards the purchase of Flat No. 8E in the "Royal Gardens" housing complex; 2. Award interest on the aforesaid amount at such rate and from such date as this Hon'ble Forum may deem fit and proper; 3. Award compensation to the Complainants for mental agony, harassment, financial hardship, and other losses suffered, as this Hon'ble Forum may deem just and appropriate in the facts and circumstances of the case; 4. Award cost of the proceedings as this Hon'ble Forum may consider fair and reasonable; 5. Pass such other or further order(s) or direction(s) as this Authority may deem fit, proper, and necessary in the interest of justice and equity. 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: -	
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Let **Smt. Suparna Kundu** be recorded as Joint Complainant in this instant matter.

The Complainants are directed to submit their total submission regarding their Complaint Petition on a Notarized Affidavit 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 **21 (Twenty-one)** days from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit their 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 **21 (Twenty-one)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **after 8 weeks** from this date for further hearing and order.



(JAYANTA KR. BASU)

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