

**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/COM(PHYSICAL)000018

Mrs. Padam 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 ----- 28.03.2023	<p>Advocate Snehasis Sen is present on behalf of the Complainant in the online hearing filing hazira and authorization.</p> <p>Advocate Aritra Deb is also present in the online hearing on behalf of the Respondent filing hazira and authorization.</p> <p>Heard both the parties in detail.</p> <p>As per last order of the Authority dated 17.03.2023, Respondent submitted hard copy of the Written Response on a notarized affidavit.</p> <p>Let the hard copy of the Written Response of the Respondent be taken on record.</p> <p>As per last order of the Authority dated 17.03.2023, Complainant submitted fresh hard copy his notarized affidavit.</p> <p>Let the hard copy of the said notarized affidavit of the Complainant be taken on record.</p> <p>Heard both the parties in detail.</p>	

The case of the Complainant is that, she booked a flat in the project named 'Highland Greens' of the Respondent Company and she has deposited total Rs.22,93,746/- (Rupees twenty two lakhs ninety three thousand seven hundred forty six) only to the Respondent Company for purchase of the flat. The Respondent failed to deliver the possession of the flat within the scheduled date as per the General Terms and Conditions (GTC) in the Agreement for Sale.

The Complainant therefore claimed before the Authority the relief of refund of his money as she no longer interested in the flat and considerable amount of delay has been done by the Respondent for construction of the flat.

After taking into consideration the statement of the both the parties and on examination of the documents submitted on Notarized Affidavit by both the parties, the Authority is of the considered view that the Respondent failed in his obligation to handover the possession of the flat booked by the Complainant within the scheduled time period as per the GTC and miserable delay has been taken place in the construction of the flat, therefore the Complainant is no more interested in taking possession and she claimed for refund of the principal amount paid by her along with interest as per RERA Act and Rules.

It is hereby,

ORDERED

that the Respondent shall refund the principal amount of Rs.22,93,746/- (Rupees twenty two lakhs ninety three thousand seven hundred forty six) only to the Complainant along with interest @ **SBI Prime Lending Interest +2% p.a.**, from the date of respective payments made by the Complainant to the date of final refund by the Respondent. The refund 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.

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

The Complainant is hereby directed to intimate the Consumer Forum about this Order of the Authority and withdraw the case from the Consumer

Forum after the final refund made by the Respondent Company.

The Complainant shall be at liberty to file an execution application before this Authority, if the Respondent fails to comply this order within the stipulated time period.

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

With the above direction the matter is hereby disposed of.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy.



28.03.2023

Special Law Officer  
West Bengal Real Estate Regulatory Authority