

**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-000132 & COM-000486(erstwhile WBHIRA)

Ashutosh Mazumdar ..... Complainant

Vs.

Riverbank Developers Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 <u>23.06.2023</u>	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Anirban Chatterjee is present on behalf of the Respondent being its Authorized Representative. He has been directed to submit his hazira and Authorization to the Authority immediately after the hearing.</p> <p>Heard both the parties in detail.</p> <p>The Complainant stated in the Complaint Petition that, he along with his wife Mrs. Chandana Mazumdar are the joint Alottees of a unit in '<b>Highland Greens Phase-II</b>' project of the Respondent. They have paid total amount of Rs.22,63,766/- (Rupees twenty-two lakhs sixty-three thousand seven hundred sixty-six only) for purchasing the said flat in the project mentioned above. The Complainant was allotted unit 4A1 at the 4<sup>th</sup> Floor at Tower 10 of the said project in June, 2014. The handover of the said flat, complete in all respect, was scheduled to be held within 42 months from the date of allotment i.e. by the beginning of 2018 and all the payments were made in due timeline by the Complainant. The Respondent failed to comply his timeline and could not delivered the possession of the flat till</p>	

today.

In the above circumstances, the Complainant prayed for refund of the full amount paid by him amounting to Rs. Rs.22,63,766/- (Rupees twenty-two lakhs sixty-three thousand seven hundred sixty-six only) alongwith interest as stipulated by the Regulatory Authority.

After hearing both the parties, the Authority is satisfied to admit this matter for further hearing and order.

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 5 (five) days from the date of receipt of this order through email.

The Complainant is further directed to send Notary attested copy of supporting documents also to the email ID of the Advocate of the Respondent Mr. Anirban Chatterjee in the following email ID:-

***adv.anirban1@gmail.com***

Let the Affidavit of the Complainant, which was filed by the Complainant after the 1<sup>st</sup> hearing on 30.04.2021, in the Complaint Case No. COM000486 before the erstwhile WBHIRA, be taken on record and copy of the said affidavit be sent to the Complainant and to the Respondent by email from the office of the WBRERA immediately.

Complainant is hereby directed to send a forwarding letter alongwith Notary attested supporting documents to the Authority as well as to the Respondent, both in hard and soft

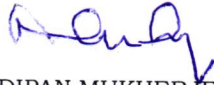
copies, within 5 days from the date of receipt of this order of this Authority by email.

The Respondent is hereby directed to submit his Written Response regarding the Complaint Petition and Affidavit of the Complainant on a Notarized Affidavit, 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 7 (seven) 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 his Written Response on Affidavit, within the stipulated time period, as mentioned above, failing which, no more time shall be provided to the Respondent to file the Written Response.

The Respondent is also directed to positively appear on the next date of hearing, failing which, the Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter for the ends of justice.

Fix **18.07.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)  
Chairperson  
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)  
Member  
West Bengal Real Estate Regulatory Authority