

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

Complaint No. WBRERA/COM001081-CP

Sunita Agarwal Complainant.

Vs.

Greentech IT City Pvt. Ltd..... Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 17.07.2025	Complainant, Sunita Agarwal, is represented by the Learned Advocates, Purnankar Biswas who appeared physically and Mr. Pratip Mukherjee appeared online and Chandra Agarwal appeared physically in the hearing. They have submitted hazira which should be kept on record. Respondent, Greentech IT City Pvt. Ltd is represented online by the Learned Advocate, Tanushree Dhar the time of hearing. She is requested to submit hazira and vakalatnama physically or online which should be kept in record. The Respondent Advocate prayed for adjournment for filing the Affidavit in Reply as to check the official Record and to give reply. The Complainant stated that they want refund of principal amount along with the interest. The complainant stated they are entitled to receive Compensation for the period commencing from June, 2016 till March, 2025 (at SBI prime lending rate + 2%) for a sum of Rs.4,04,900/- and the total amount comes to a sum of Rs.5,90,142/- as per their calculation. The complainant are also entitled to receive refund the sum of Rs.4,04,900/- which has paid by the Central Bank to the Complainant as the respondent had failed to hand over deliver possession of the flat in question, since the same has never been constructed and as such there is no remedy except for refund of the said amount. The Respondent's Advocate pointed that the complainant was offered the flat in other project but the same was rejected. The Complainant's Advocate mentioned that long time has been elapsed and the respondent have failed to deliver the flat as on date and at this point of time they only want the refund of money along with interest. Now, the issue is regarding refund of money calculating the interest therewith and there has been delay of finalizing of the instant Complainant and the Respondent is taking time one pretext to another. The Respondent has repeatedly violated the Authority's orders and directions upon them by violating the Order No. 1 dated 18.02.2025 and Order No. 2 dated 30.04.2025 and the Respondent remain absent on 30.04.2025 without any prior intimation and	

showing grounds for absence and thereby liable to attract penalty under Section 63 of the RE(R&D) Act, 2016.

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After hearing both the parties, the Authority is pleased to give the following directions:-

- a) The Respondent is hereby directed to file Affidavit in Reply within one week from date as mentioned in the earlier Order No. 1 dated 18.02.2025 **within 1(one) week of the receipt of this order;** and enclose relevant documents to establish of their abidance during execution and construction of the project where complainant and respondent has executed agreement and received payments from the complainant.
- b) The Respondent is hereby directed to show cause along with the Affidavit as to why Section 63 of the Real Estate (Regulation and Development) Act, 2016 should not be imposed for contravention of the said Act for not complying with the earlier orders Order No. 1 dated 18.02.2025 and Order No. 2 dated 30.04.2025; and
- c) The Complainant is hereby directed to file Affidavit in Rejoinder, if any, in response to the Affidavit filed by the Respondent within **1 (one) week** after receiving the same.

Fix after **4 (four) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority