

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

Complaint No. WBRERA/COM001371

Palash Das and Mily Das Complainants.

Vs.

Avaneesh Infratech Private Limited and Others. Respondents

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 10.07.2025	The Complainants, Palash Das and Mily Das are represented by the Learned Advocate, Subhra Kanti Roychowdhury who appeared online at the time hearing today. He is requested to submit hazira and vakalatnama which should be kept in record. The Respondents, Avaneesh Infratech Private Limited and Others are represented by its Learned Advocate, Anubhav Khastagir who appeared online at the time of instant hearing. He has submitted hazira and Vakalatnama online which should be kept in record. Today is the Admission hearing. The Learned Advocate on behalf of the Complainants stated that his clients entered into a registered Agreement for Sale executed on 2nd June, 2023 and registered on 28th July, 2023 for purchase of a residential flat being Flat No. 1/01, on the first floor measuring about 1970 Sq. Ft super build up area along with one medium size open/covered car parking space having an area of 150 sq. ft. on the ground floor of the multi-storied building at Premises No. 64B, Hindusthan Park, South-24, Parganas. The total price of the unit was fixed at Rs.1,32,00,000/- out of which till date the complainants have paid Rs.42,00,000/- only and with the assistance of the Developer a bank loan was sanctioned from HDFC Bank for the balance amount when the Bank disbursed 80% of the total cost the Developer without the flat being constructed. The complainants vide e-mail dated 06.06.2024 cancelled the agreement and asked for refund of the advance amount paid till date. The Respondents vide a letter dated 17.02.2025 accepted the cancellation and agreed to repay the loan amount direct to the bank and issued a cheque of Rs.10,00,000/- only to the bank which got dishonored. The Learned Advocate further submitted that the construction is going on since long and project is yet to get CC/OC/Partial CC; further repeated queries from the Complainants whether the project is registered with WBRERA has not been replied by the Respondents as on date. The Complainants seek refund of the Advance amount paid till date along with the accrued interest as mandated by the said Act and also prays for penalty upon the Respondents for cancelling the unit booked by the Complainants and further Ad-interim Order restraining the Respondents from transferring and/or alienating and/or encumbering the unit	

being a residential flat being Flat No. 1/01, on the first floor measuring an Premises No. 64B, Hindusthan Park, P.S. – Gariahat, Ward No.86 of Kolkata Municipal Corporation, District - South-24 Parganas till repayment amount is paid with interest to the Complainants.

The Learned Advocate appearing on behalf of the Respondents submitted that now he is in receipt of the Complainant's Complain filed before this Authority in Form 'M' he seeks documents and the Written submission by the Complainant for responding to the complaint after seeking instruction from his client.

After hearing both the parties, 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:-

The Complainants are directed to submit their total submission regarding the Complaint Petition on a Notarized Affidavit mentioning details of complaint and the reliefs sought for annexing therewith notary attested /self-attested copy of supporting documents and a signed copy of the Complaint Petition Form 'M' and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondents, both in hard and scan copies, within **2 (two) weeks** from the date of receipt of this order of the Authority by email.

The Respondents are 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 copy of supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainants, both in hard and scan copies, within **2 (two) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier. The Respondents are directed to submit the Registration Certificate of the erstwhile WBHIRA or WBRERA, if any, along with the Affidavit.

The Respondents are further directed not to transfer and/or alienate and/or encumber the unit being a residential flat being Flat No. 1/01, on the first floor measuring an Premises No. 64B, Hindusthan Park, P.S. – Gariahat, Ward No.86 of Kolkata Municipal Corporation, District - South-24 Parganas till further hearing of this instant complaint.

Fix 8 (eight) weeks for further hearing and order.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority