

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

Complaint No. WBRERA/COM000406

Partha Saha..... Complainant

Vs

Partha Ghosh, MD. Unnayan Builders Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 29.04.2024	<p>Advocate Subhas Basu (Mobile no. – 8240131565, email id – subashbasu@yahoo.co.in), Advocate Hitendra Pramanik (Mobile.- (Mob. No. 9830596804) and Advocate Nirmalya Ghosh (Mobile – 9339506403) are present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Shri Sujash Ghosh Dostidar (Mobile – 9433294287 and email – sujashgd1958@gmail.com) is present in the physical hearing on behalf of the Respondent .</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, he had a plan to purchase a plot of land for construction of a residential building, being allured by the advertisement published by the Respondent for sale of land for construction of bungalows at Mouza - Kulberia at Bhangor in South 24 Pgs. @Rs.6,50,000/-per cottah. The Respondent Company entered into an agreement on 10.09.2009 with the Complainant who paid full consideration of Rs.19,50,000/-for 3 cottahs of residential plot @6,50,000/-and plot no. B-241 was allotted to the complainant. As per Clause no. 11 of the said agreement, the Respondent assured to develop the plot through construction on basic infrastructure within four years before delivery, i.e. Sept'2023. The Complainant visited the site several times and found that no development work as agreed upon was done by the Respondent in spite of receiving full price of the said plot of land no. B-241.</p> <p>The Complainant wrote two letters dated 03.09.2021 and 15.05.2023 to the M.D. of the Respondent Company enquiring about completion of the project and completion certificate but neither there was any reply to those letters nor any action was taken by Respondent. It is pertinent to mention that plot no. B-241 of Unnayan Garden-B within Dag No. 683 under J.L. No. 7 P.s. K.L.C is fully agricultural land and this is nowhere mentioned in the said agreement and such an action tantamount to Unfair Trade Practice. In clause no. 21 of the said Agreement dated 10.09.2009, the Respondent Company has admitted that in the event of the its failure to complete the project within the stipulated period the allottee may take refund of full money paid by him with interest. Being highly dissatisfied, the Complainant is filling a case. The Complainant craves leave to</p>	

produce further documents/evidence at the time of hearing of the case.

The Complainant prays before the Authority for the following relief(s):-

1. Directing the Respondent to refund the full amount of Rs.19,50,000/- paid by the Complainant alongwith interest as per Rule that is @SBI Prime Lending Rate plus 2% p.a. from the date of deposit till final payment.
2. Compensation for mental tension and agony suffered by the Complainant and litigations cost as the Hon'ble Authority shall deem fit and proper.
3. Timeline for refund shall be within 45 days from the date on which such refund becomes due as per RERA Rules.

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 Complainant is directed to submit his 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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

The Respondent is 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 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 **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **18.07.2024** for further hearing and order. On the next date hearing shall be held through online mode.



(SANDIPAN MUKHERJEE)

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