

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/COM000626

Saugata Chakraborty and Soumik Chakraborti..... Complainants

Vs

Unnayan Builders Pvt. Ltd. .... Respondent No. ....1

Partha Ghosh Dastidar, MD of Unnayan Builders Pvt. Ltd..... Respondent No. 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 14.08.2024	<p>Advocate Subhas Basu (Mobile - 8240131565 &amp; email Id: <a href="mailto:subashbasu@yahoo.co.in">subashbasu@yahoo.co.in</a>) and Advocate Nirmalya Ghosh (Mobile - 9903184131) are present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Ved Sharma (Mobile - 7980751906, 7580126534, email id - <a href="mailto:sujashgd1958@gmail.com">sujashgd1958@gmail.com</a>) is present in the physical hearing today on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard the both the parties in detail.</p> <p>As per the Complainants, the fact of the case is that:-</p> <p>A. The Complainants had a plan to purchase a plot of land for residential building. Being allured on the Brouchure published by the respondents for sale of land for construction of bungalows under the scheme plan <b>Unnayan Garden - B</b> at Mouza - Kulberia at Bhangor in the District of South 24 Pgs @Rs. 6,50,000/- per cottah.</p> <p>B. The Respondents are entered in to an agreement for sale dated 13.07.2012 with the complainants for a plot no. B-248 measuring 5 cottach within Dag no. 674, Khatian No. 1420, J.L. No. 7, P.S. KLC at a total price of Rs.32,50,000/- assuring to develop the said land with construction of mental road-side drains and other basic infrastructure as mentioned in clause no. 11 of the said agreement.</p> <p>C. The Respondent no.1 Company agreed to deliver the developed plot of land to the complainants within 48 months from the date of agreement that is within 13.07.2016.</p>	

D. The complainants visited the project site several times during the year 2017-18 and found that no development work as agreed upon had been done and even demarcation of plots had not been done, being highly aggrieved and disappointed, the complainants wrote a letter dated 10.01.2019 by speed post to the MD of Respondent no.1 that is to the Respondent no.2 requesting re-allotment of a bastu land measuring 5 cottahs, in default, refund their land earned money of Rs.26,00,000/- alongwith applicable interest as per the said Act.

E. Being highly dissatisfied, the complainants filed a case being no. Cc/98/2019 before the Hon'ble State Commission of consumer forum, WB, Kolkata - 700087. The final hearing of this case was scheduled to be held on 07.09.2022 but subsequently rescheduled on 15.02.2023, 22.06.2023 and finally on 18.03.2024. It was further rescheduled on 22.06.2023 again re-fixed on 18.03.2024.

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

1. Directing the Respondents to refund amount of Rs.26,00,000/- paid by the complainants for the cost of bastu land.
2. Directing the Respondents to pay the interest of Rs.26,00,000/- from date of final payment till the date of realization.
3. Litigation cost as this Authority may deem fit and proper.

**The Complainant prays before the Authority for the following interim order:-**

To issue appropriate order to the Respondents for violation of section 3 of RERA Act and notification no.135-RERA/L-01/2023 dated 03.02.2023 and to offer for sale of plot of land without obtaining C.C. / O.C. by way of advertisement through website and brochure.

The Respondents at the time of hearing stated that this Complaint Petition is not maintainable before this Authority.

The Respondents are directed to submit their submissions regarding maintainability of this matter in their Affidavit, as directed below, annexing therewith copy of provisions, judgments, if any.

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 their Complaint Petition on a Notarized Affidavit annexing therewith notary

attested /self-attested copy of 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 scan copies, within **21 (twenty-one) days** from the date of receipt of this order of the Authority by email.

The **Respondents** are hereby directed to submit their 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 Complainant, both in hard and scan copies, within **21 (twenty-one)**days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The **Respondents** are also directed to state their Written Response regarding the merit of this matter and also regarding maintainability of this matter before this Authority, if any, in their Affidavit.

The **Respondents** are further directed to specifically mention in their notarized affidavit that whether they have taken registration for the project from erstwhile WBHIRA/WBRERA. If yes, they shall provide the Registration number with date and if they have not taken registration, the reason for not taking the registration shall be stated by them in their affidavit.

Fix **05.12.2024** for further hearing and order.

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

*Ade* 14.08.2024

Special Law Officer  
West Bengal Real Estate Regulatory Authority