

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

Complaint No. COM-000259 (erstwhile WBHIRA)

Shyamali Mitra.....Complainant

Vs.

Janapriyo Real Estate Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 21.06.2023	<p>Complainant (Shyamali Mitra) is present in the online hearing filing hazira through email.</p> <p>Advocate Sudip Basu and Advocate Pratip Mukherjee are present on behalf of the Respondent in the online hearing filing hazira and Vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that she booked a plot bearing number-36 on 03.02.2014 in the project named 'Kalyani City Enclave' which was a Mini Township in Shyamnagar beside the Kalyani Expressway in the North 24 Paraganas district of West Bengal by payment of total consideration money of Rs.5,77,000/- (Rupees Five Lakhs Seventy Seven Thousand Only). The Respondent was agreed to deliver possession of the plot by necessary development as agreed upon between the parties within 36 months from the date of booking that is within 02.02.2017. Agreement for Sale was executed between the</p>	

parties in this regard on 14.03.2014.

Till date the Complainant did not get the possession from the Respondent as agreed upon between the parties. As per the Complainant correction of 'Draft Sale Deeds' were going on from both sides. All of a sudden the Respondent cancelled the Sale Agreement on 25.03.2019 and forfeited the entire amount paid by the Complainant.

The Complainant prays for refund of the total money paid by her to the Respondent alongwith interest and compensation.

After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties in the online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the plot of land after necessary development to the Complainant within the scheduled time line that is within 02.02.2017 and therefore he is liable to refund back the principal amount paid by the Complainant along with interest at the rate of SBI PLR +2% per annum starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence it is hereby,

Ordered,

That the Respondent shall refund the principal amount of Rs.5,77,000/- (Rupees Five Lakhs Seventy Seven Thousand Only)along with interest @ SBI Prime Lending Rate+2% per annum starting from the respective dates of payments made by the Complainant till the date of realisation.

The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of receipt of this order of the Authority by email.

The Complainant shall send her bank account details in which he wants to take the refund amount, to the Respondent by email within, 3 days from the date of receipt of this order of the Authority by email.

Complainant is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order. In that case Respondent shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent, of the estimated cost of the real estate project named '**Kalyani City Enclave**', as determined by this Authority, as per the provision contained in section 63 of the Real Estate (Regulation and Development) Act, 2016.

Let copy of this order be sent to both the parties through speed post and also by email immediately.

With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority