

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

Complaint No. WBRERA/COM000310

Prasanta Dasgupta..... Complainant

Vs.

Dharitri Infraventure Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 04.12.2023	<p>Advocate Vinit Sharma is present in the online hearing on behalf of the Complainant filing hazira and vakalatnama through email.</p> <p>Advocate Shayantani Das (email – legalquery@dharitri-infra.com) is present in the online hearing on behalf of the Respondent filing hazira and authorization through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant he has booked a Bungalow in the year 2015 as per the representation, advertisement and brochure made by the Respondent to the Complainant of the project named "Royal Enclave" located in Hatisala, Bentsala -II, Gram Panchayat- Bangor, South 24 Parganas and have paid total amount of Rs.3,00,000 to the Respondent. No Application or booking intimation was issued or Agreement for sale was prepared or executed by the Respondent even after receiving of Rs. 3,00,000/- from the Complainant. More than 3 years have been passed from investing the hard earned money to the respondent Company. But no work has even started in the said bungalow. That the project has been miserably delayed for which the Complainant has suffered miserably.</p> <p>By letter dated 29.11.2018 the respondent have confirmed that there is no progress in the said project and offered the complainant an alternative dwelling unit which was declined by the Complainant and sought for refund of the amount along with interest but the Respondent have keep on giving false assurances that they will refund the amount along with interest. There were several round of telephonic conversation and personal visit by the complainant to the office of the Respondent from 2018 to 2023 but no refund has been received by the complainant from the respondent till date. Finding no other alternative option, the complainant has approached by filing the instant complaint before the Ld. Authority with the prayer for the directions upon the respondent for refund of the amount of Rs.3,00,000/- along with the interest and compensation therein.</p> <p>The Complainant prays for the relief of refund of Rs.3,00,000/- along with interest at per State Bank of India Prime Lending rate plus two percent per annum from the date of each payment till the date of realisation and he also</p>	

prayed for compensation of Rs. 1,50,000/- and litigation cost of Rs. 20,000/-

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 his 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 soft copies, within **15 (fifteen) days** from the date of receipt of this order through email.

The Complainant is further directed to send a scan copy of the Affidavit to the email of the advocate of the Respondent as mentioned above.

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 **15.02.2024** for further hearing and order.



(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