

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/COM000232

Chandra Nag..... 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, she has booked a flat by the Booking letter dated 16.01.2017 having total area of 450 sq. ft. on the 3rd floor at the project "<b>Royal Enclave</b>" of the Respondent located in the Rajarhat. She has made following payments :- on 16.01.2017 of Rs. 50,000/- by card payment, on 26.04.2017 of Rs. 2,00,000/- by card payment, on 19.06.2017 of Rs. 50,000/- by NEFT and on 20.06.2017 of Rs. 13,500/- by NEFT. Thus the total amount paid by the complainant to the respondent is Rs. 3,13,500 (Three Lakhs Thirteen Thousand and Five Hundred only). But the respondent has subsequently shifted the booking to another residential apartment, in the project named "Universia" situated at Rajarhat, Bhagavanpur, South 24 Parganas. That the amount of Rs. 3,13,500/- paid for the project "Royal Enclave" have been shifted to the project "Universia". Several years have been passed from investing the hard earned money to the respondent Company. But no work has even started in the said project. That the project has been miserably delayed for which the complainant has suffered miserably. That an application for claim of refund of money has already been submitted to the respondent on 16.01.2019 but no refund has received by the complainant from the respondent till date. That the complainant has also come to know that the said project has not been registered either with the HIRA Authority which was operative till 04.05.2021 or RERA Authority. The respondent is withholding payment made by the complainant and misappropriating the same for their personal gain without refunding the same to the complainant.</p> <p>Till date the respondent failed to refund the amount of Rs. 3,13,500 /- along with the interest and compensation therein.</p> <p>The Complainant prays for the relief of refund of the entire principal</p>	

amount of Rs.3,13,500/-alongwith interest as per RERA Act and WBRERA Rules from the date of each payment till the realization and also prayed for compensation of Rs.1,50,000/-and litigation cost of Rs.20,000/-from the Respondent Company.

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 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