

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

Complaint No.WBRERA/COM (PHYSICAL)000038

Motilal Jhalani

..... Complainant

Vs

Bengal Shrachi Housing Development Ltd.

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 06.04.2023	<p>Complainant is present in the offline hearing and signed the attendance sheet.</p> <p>Advocate on record for the Respondent Mr. Bikramjit Mandal and Advocate Ms. Aishwarya Jayshree are present in the offline hearing and duly signed the attendance sheet.</p> <p>Advocate Sarosij Dasgupta and Sr. Advocate Mr. Dhruvabrata Basu, are also present on behalf of the Respondent Company in this hearing through online mode.</p> <p>Complainant submitted his notarized affidavit containing his total submission on 09.03.2023 as per the last order of the Authority dated 15.02.2023.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>The Respondent submitted notarized affidavit containing his Written Response today i.e. on 06.04.2023 as per the last order of the Authority dated 15.02.2023.</p> <p>Let the affidavit of the Respondent be taken on record.</p> <p>Heard both the parties in detail.</p> <p>The Complainant booked one flat on 19.02.2011 and price was Rs.11,40,000/- (Rupees eleven lakhs forty thousand) only. However allotment letter was not given. The Respondent submits that due to non-receipt of approval for sanctioned plan, they could not start construction and did not give any formal allotment letter. However they conveyed to the Complainant that he may either stay with the project, or may take refund. However, the cost was revised subsequently based on one Notification of Housing Department Govt. of W.B., vide No. 738/I-H1/1M-2/2007(Pt.) dated, Kolkata, the 17th August, 2015, which the Complainant initially refused to pay.</p>	

At the time of hearing, the Complainant submitted that he has paid Rs.4,30,589/- (Rupees four lakhs thirty thousand five hundred eighty-nine) only on 22.12.2017 in the revised rate.

Respondent during the hearing submitted that they are ready to handover the possession of the flat to the Complainant, if he agrees to pay the revised rate or else they are ready to return his advance payment including the booking money along with interest @SBI Prime Lending Rate +2% from the date of payment to the date of realization as per RERA Act and Rules.

The Authority is of the considered view that by making payment of Rs.4,30,589/- in response to the allotment letter dated 23.11.2017 containing revised rates, in respect of the subject flat, the Complainant has duly accepted the Terms and Conditions of the revised Allotment Letter including the revised rates.

It is hereby,

ORDERED

that the relief claimed by the Complainant for delivery of the possession of the flat booked by him at Rs.11,40,000/- (Rupees eleven lakhs forty thousand) only within one month from the date of the order is hereby rejected.

Copy of this order be served to both the parties by 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