

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

Complaint No.WBRERA/COM001146

Piyush Plywoods Private Limited Complainant

Vs.

Orchard126 Respondent

Sl. Number and date of order	Order and signature of the Officer	Note of action taken on order
04 15.01.2026	<p>Complainant Advocate Aritra Basu (email:- abhikchitta1991@gmail.com) is present in the hearing on behalf of the Complainant through online mode by filing hazira through email.</p> <p>Advocate Avik Kumar Das along with Advocate Anirban Chatterjee (mobile no:- 9836700012 and email:- adv.anirban1@gmail.com) is present in the hearing on behalf of the Respondent through online mode by filing hazira and vakalatnama through email.</p> <p>Respondent submitted their Written response on Affidavits as per the order of the Authority dated 18.07.2025, which has been received on 13.01.2026, though the Respondent was directed to submit the same within 21 days from the date of receiving the said order. The Authority expressed high dissatisfaction over such inordinate delay by the Respondent in submission of the Affidavits.</p> <p>The Complainant stated that he has received the Affidavit from the Respondent two days back only, for which, he could not submit their rejoinder Affidavit.</p> <p>Heard both the parties in detail.</p> <p>The Respondent stated that the allotment of the flat was cancelled on 27.11.2019 due to default by the Complainant in making payment on multiple occasions and after that the Respondent has handed over the subject flat to new intending purchaser and the registration of the said flat was completed on 21.04.2022 including handing over of the possession of the same to the new purchaser. The Respondent further stated that their project was registered with Erstwhile WBHIRA vide registration No. HIRA/P/NOR/2018/000236. They also admitted that there was no Agreement for Sale registered between both the parties. However the advocate for the respondent confirmed that his client respondent in the instant complaint matter has received payments from the complainant on demand raised by him in the past. He also that his client ready to refund back the payments from the complainant against the flat booked by the complainant. The learned advocate for the complainant stated that he seeks refund of the payment</p>	

made by his client along with the accrued interest.

The Complainant alleged that the Respondent cannot demand for payment without entering into Agreement for Sale and also cannot cancel the allotment. Moreover, they did not inform anything to the Complainant for the entire period till the Complainant started sending letter to the Respondent requesting them handing over of possession including execution of Deed of Conveyance.

After hearing, the Authority observes that both the parties present the matter and submit notes of arguments so as to establish and address the complaint and the relief sought by the complainant in observing the relevant provisions of the RERA Act, 2016 in the transaction and other related matters connected with the instant complaint petition. The Authority observes with concern that the respondent have willfully suppressed facts pertaining to the complaint during the course of hearing of the instant complaint

Now the Authority is hereby pleased to direct the Complainant to submit their Rejoinder in response to the Affidavit of the Respondent 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 **14 (fourteen)** days from the date of receipt of this order of Authority by speed post or by email whichever is earlier.

The Respondent is hereby directed to explain their conduct and their abidance to the **RE(R&D) Act 2016** and **WBREERA Rules 2021** through notarized Affidavit within a week's time of receipt of this order. The Respondent is to submit their response upon receipt of the rejoinder affidavit from the complainant through Notarized Affidavit enclosing copies of Completion Certificate/Occupancy Certificate and the Registration Certificate issued by the erstwhile WBHIRA/ WBREERA against the instant Project serving the affidavit to the Authority both in hard copy and soft copy as in the earlier occasions within a **14 (fourteen)** time after receipt of either soft or hard copy of the complainant's Rejoinder affidavit serving a copy to the complainant .

Fix **after 6(six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority