

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/COM000250

Sri. Shyam Kumar Banerjee..... Complainant

Vs

Rishav Real Estate..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 28.02.2024	<p>Advocate Mr. Tirthankar Basu (Mob. No. 7278543329 &amp; email Id: tbasu4559@gmail.com) is present in the online hearing on behalf of the Complainant filing hazira and vakalatnama through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, he has booked a plot bearing No. A39, measuring about 3(three) cottahs lying in the project named '<b>Riviera Township, Phase-I</b>' of the Respondent Company. The said township is situated at Mouza- Khanberia, J.L. No.32, under P.S. Maheshtala, District-South 24-Parganas, West Bengal. He has paid Rs.1,11,000/-on 13.07.2019 in favour of the Respondent in this regard. Be it mentioned that the total value of plot was Rs.9,00,000/-and no registered sale agreement was executed between both the parties on 13.07.2019 while receiving the advance money. After that, on 14.01.2020 the Complainant further deposited second payment of Rs.3,50,000/-to the Respondent Company on 14.01.2020. After that the Complainant approached the Respondent for the quest of the Sale Agreement and also asked for the records of land to re-verify the said plot but the Respondent did not pay</p>	

any attention. It is very important to mention here that at the depositing the advance money in the Form of Booking Money, the Respondent did not give a chance to the Complainant to make a proper searching of the said plot of land and they also told to the Complainant that this project has been registered under Regulatory Authority which was completely false.

That after getting the information of the Respondent's precarious intention, the Complainant rushed to the Respondent's office to withdraw the entire deposited amount i.e. Rs.4,61,000/-but the office of the Respondent desired to pay only Rs.3,22,700/-deducting 30% of the entire deposited money in spite of refunding the total deposited amount which is illegal.

Complainant prays for the relief of refund of the Principal Amount of Rs.4,61,000/-paid by him to the Respondent Company alongwith additional interest 10% p.a. as accrued on the total deposited amount.

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 their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested 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 **30 (thirty)** days from the date of receipt of this order of the Authority by email.

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 **30 (thirty)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is

earlier.

The Authority is pleased to direct that the subject matter plot of the land shall not be transferred/alienated to any third party till the disposal of this matter or until further order, whichever is earlier.

Fix **07.05.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)  
Chairperson  
West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)  
Member  
West Bengal Real Estate Regulatory Authority