

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

Complaint No. WBRERA/COM000562

Jyotsna Saren..... Complainant

Vs

Riverbank Developers Pvt. Ltd..... Respondent No.1

Sumit Dabriwala..... Respondent No.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 24.01.2024	<p>Complainant is present in the online hearing filling hazira through email.</p> <p>Mr. Bhaskar Mukherjee (Mobile - 9836700012, email - adv.anirban1@gmail.com), being Authorized Representative of the Respondent is present in the online hearing. He is directed send his authorization and hazira through email to the Authority just after today's hearing.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, she has paid Rs.35,03,845/-for 3 a BHK flat (HG2, Tower16, 9B6) in the project 'Hiland Greens Phase - II' of the Respondent which was advertised by Brand Ambassador Sri Sourav Ganguly and sponsored by KMDA. Payment was made as per the developer's payment schedule. The first payment was made on 19.09.2014 and the 7th instalment (2nd last instalment) covering 95% of flat cost along with car parking and other corpus and electrical infrastructure charges. The last transaction was done on 17.10.2016. The flat was supposed to be handed over by 3rd quarter of the year 2017. But it was delayed and after contacting them several times over telephone, she received a letter from the Respondent on 11.06.2018 promising that</p>	

the flat will be handed over and started registration on or before March'2019. Unfortunately it was not done. On 15.10.2022, she received an email saying that Tower 16 will be handed over by Jan'23. On 02.12.2022, again she received an Email from Mr. Sumit Dabriwala, director of Respondent Company, having email address <customercare@hilandcal.com> regarding a meeting with the flat buyers of the said project which was ultimately not done. This way, she waited every year based on their false promises. This way she has been cheated, mentally harassed by the developer and lost all the opportunities to get her own flat at some other location. But her all the hard earned money is stuck still then and she is still paying EMI for it. It is a complete breach of contract by Respondent- Developer side and they are intentionally keeping the flat buyers waiting since 3rd quarter of 2017.

In this Complaint Petition, the Complainant prays the following relief before the Authority :-

As it is a breach of contract by RDPL, she requested to the Authority to arrange to get back the money which she paid part by part along with interest since 19.09.2014 and the compensation for her mental harassment, consultation with lawyers, for losing the opportunity to buy a flat during this long period of 10 years almost so that she is in a position to purchase another flat at her desired location with standard amenities which is very much required as early as possible as the Respondent advertised and hyped for so big amenities like shopping complex, multiplex, school, college and sports academy etc. That is why people were interested for the amenities and as it was joint venture with KMDA, people got trapped. Therefore she requested to the Authority to get back the refund of minimum 90 Lacs covering all damages, loans, interest so that she can buy a 3BHK flat in a location where Hospitals, school, colleges are nearby.

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:-

Let Riverbank Developers Private Limited is hereby included as Respondent no.1 as it is a necessary party for adjudication of this matter and Sumit Dabriwala being a director of Riverbank Developers Private Limited is hereby made Respondent No.2.

The Complainant is directed to submit her total submission regarding his Complaint Petition on a Notarized Affidavit, giving therein in a tabular form all the payments made by the Complainant chronologically specifying date and amount of payment, 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 **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 with annexure to the Advocate of the Respondent in his above mentioned email Id.

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 **22.05.2024** for further hearing and order.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy

Sd/-

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24.01.2024

Special Law Officer
West Bengal Real Estate Regulatory Authority