

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

Complaint No. WBRERA/COM 000096

Abhijit Ghosh & Manasi Ghosh..... Complainant

Vs

Riverbank Developers Private Limited.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
06 06.02.2024	<p>Complainant alongwith his Advocate Mr. Subrata Bhattacharya is present in the online hearing filing hazira and vakalatnama through email.</p> <p>Advocate Anirban Chatterjee (Phone- 9836700012 and email - adv.anirban1@gmail.com) is present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p>Complainant submitted at the time of hearing that no mutual settlement has been arrived at between the parties regarding joint inspection of alternative flat/s proposed by the Respondent, as per the direction given in the last order of the Authority dated 07.12.2023, and therefore the Complainant pray for immediate refund of the Principal Amount paid by them alongwith interest.</p> <p>Advocate of the Respondent stated at the time of hearing that the no due certificate annexed with the Affidavit of the Complainant at page 45 is not legible and therefore a legible copy of the no due certificate and loan closure certificate is required from HDFC before refund of the amount as prayed by the Complainant.</p> <p>After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties in the online hearings, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the Apartment to the Complainant within the scheduled time line and therefore he is liable to refund back the principal amount paid by the Complainant along with interest at the rate of SBI PLR +2%</p>	

starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence it is hereby,

Ordered,

That the Complainant shall send a Written Communication to the Respondent intimating that the corresponding home loan from HDFC has been closed by them and shall annex a legible copy of the no due certificate and loan closure certificate issued by HDFC alongwith the said intimation.

That the Respondent shall refund the principal amount of Rs. 42,95,432/- (Rupees Forty Two Lakhs Ninety Five Thousand Four Hundred Thirty Two Only) along with interest @SBI Prime Lending Rate + 2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realisation.

The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of receipt of the loan closure intimation and corresponding documents from the Complainant.

The Complainant shall send his bank account details in which he wants to take the refund amount, to the Respondent by email within, 3 days from the date of receipt of this order of the Authority by email.

Complaint is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order. In that case Respondent shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent, of the estimated cost of the real estate project named 'Hiland Greens Phase-2', as determined by this Authority, as per the provision contained in section 63 of the Real

Estate (Regulation and Development) Act, 2016.

Let copy of this order be sent to both the parties through 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



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority