

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/COM-000011

Anil Agarwal ..... Complainant

Vs.

Riverbank Developers Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
04 26.05.2023	<p>Son of the Complainant Shri. Dewash Agarwal is present on behalf of the Complainant in the online hearing filing hazira and Authorization through email.</p> <p>Advocate Akshita Bohra is present on behalf of the Respondent in the online hearing filing hazira and Vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that he booked two flats in the project 'Hiland Greens Phase-II' of the Respondent. He was allotted apartment No. 5B3 on 5<sup>th</sup> floor Tower -4 and apartment No. 7B6 on 7<sup>th</sup> floor Tower -16. The said two flats were valued of Rs.35,65,000/- each in terms of the General Terms and Conditions (GTC) of allotment letter. He was issued two allotment letters dated 08.12.2014 for the said two flats. As per Clause 11 (a) of GTC, possession of the flats were to be handed over within 42 months from the date of allotment i.e. within 07.06.2018.</p> <p>The Respondent miserably failed to handover the possession of the said two flats within the scheduled time period as per the GTC and till date the said two flats are not ready for giving possession.</p>	

In this Complaint Petition, the Complainant prayed for the relief of refund of the total Principal Amount paid by him amounting to Rs.70,54,034/-along with interest as per RERA Act and Rules made thereunder.

The Authority has heard the parties in detail, examined the affidavits submitted by both parties and also examined supporting documents submitted with the Affidavits.

The Authority is of the considered view that the Respondent has defaulted in his obligation to handover possession of the said two flats to the Complainant within the scheduled time period as per the General Terms and Conditions (GTC) signed between the parties.

Therefore he is liable to refund back the Principal amount paid by the Complainant along with interest @**SBI PLR interest +2%** from the date of respective payment made by the Complainant till the date of realization as per the provisions contained in Section 18 of the Real Estate (Regulation & Development) Act, 2016 read with Rule 17 & 18 of the West Bengal Real Estate (Regulation & Development) Rules, 2021.

Hence, it is hereby,

ORDERED,

that the Respondent shall refund back the Principal amount paid by the Complainant amounting to Rs.70,54,034/- (Rupees seventy lakhs fifty four thousand & thirty four) only along with interest @**SBI Prime Lending Rate + 2%** for the period starting from the date of respective payments made by the Complainant till the date of realization.

The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of

receipt of this order of the Authority by email.

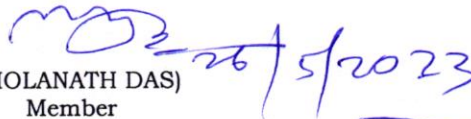
The Complainant shall send his bank account details in which he wants to take the refund amount, to the Respondent by email within, 3 days from the date of receipt of this order of the Authority by email.

Copy of this order be served to both the parties through speed post and also by email.

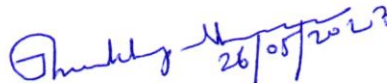
With the above directions the matter is hereby disposed of.



(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