

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

Complaint No.WBRERA/COM001487

Swapan Dutta..... Complainant.

Vs.

Greentech IT City Pvt. Ltd..... Respondent.

| Sl. Number and date of order | Order and signature of Authority | Note of action taken on order |
|------------------------------|--|-------------------------------|
| 01 28.01.2026 | <p>The Complainant, Swapan Dutta, represented by the Learned Advocate, Jayita Prasad (Phone No. 8820218645 Email ID :Jayita.prasad@gail.com) appeared physically at the time of instant hearing by filing hazira and Vakalatnamawhich shall be kept in record.</p> <p>The Respondent, Greentech IT City Pvt. Ltd, is absent in today's hearing although due notice was served.</p> <p>The Learned Advocate for the Complainant submitted that the Complainant booked a residential unit being Smart Home No. J1, 1st Floor, Block 06, under the project titled Smart Homes Residence-I, admeasuring super built-up area of 650 sq. ft. in Block 6 for a total consideration amount of Rs. 20,24,500/-. The Complainant entered into an Agreement for Sale on 16.11.2013 and paid a total sum of Rs.10,54,169/- to the Respondent as booking amount. The Respondent committed to complete the said construction and hand over possession of the said Apartment within 24 months from the date of execution of the said Agreement for Sale. The construction of the project is still incomplete despite the lapse of more than 12 years. That thereafter suddenly in the year 2019 the complainant came to know hat the Respondent had registered Block 4, 5 and 6 of the said project, Smart Home Residence-I before this Authority and registration No. is HIRA/P/NOR/2019/000433 and the registration will be valid for a period of 3.4 years starting from 30th May, 2019 till 31st October, 2022. The Commencement Certificate date is 13th December, 2018. The Respondent demand of payments on construction milestone achievement from time to time from the Complainant even much before the date of it's commencement, i.. 14th November, 2017. The Respondent further had taken an extension of 9 months from WBHIRA for completion of the project and the total duration became 4.2 years ending on 31st July, 2023 without receiving the consent from the Complainant. The Learned Advocate also stated that presently the construction of the building is stalled at the structural stage where only the framework/skeleton of the building is standing for past 5-6 years devoid of walls or other exterior or interior components. So, due to the inordinate delay, lack of transparency, breach of agreement, and complete inaction by the Respondent the Complainant issued a Legal Notice dated 28th May, 2025 demanding refund of the entire booking amount with interest and compensation for mental agony and</p> | |

harassment. The said notice was served upon all the Respondent, calling upon them to refund the principal amount of Rs. 10,54,169/- along with interest @ 18% per annum calculated from 24.04.2013 till the date of realization and compensation of Rs.10,00,000/- within 15 days.

After hearing the Complainant, 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:-

A. The Complainant is directed to submit his total submission regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition in 'M' Form 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 **2 (two) weeks** from the date of receipt of this order of the Authority by email.

B. 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 submit the present status of the instant project enclosing copies of occupancy certificate /completion certificate and also the registration certificate issued from the erstwhile WBHIRA/ WBRERA 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 **2 (two) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

C. The Respondent is hereby directed to comply with the Ad-Interim Order restraining the Respondents from dealing with and/or transferring and/or encumbering and/or creating third party rights in respect of the said flat, forming a part of the residential project, till disposal of the present proceeding and Order hereby restraining the Respondent from dealing with and/or operating the bank accounts without leaving aside the principal amount of Rs. 10,54,169/- along with accrued interest as mandated by the RE(R&D) Act 2016

The next date of hearing is **6 (six) weeks** from date.



(JAYANTA KR. BASU)
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