

West Bengal Real Estate Regulatory Authority

Calcutta Greens Commercial Complex (1st Floor)

1050/2, Survey Park, Kolkata – 700 075.

Complaint No.WBRERA/COM000013

Arun Kumar Prasad.....Complainant

Vs.

Riverbank Developers Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
4 ----- 12.06.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Roshni Deepta Acharya is present in the online hearing on behalf of the Respondent filing hazira and Authorization through email.</p> <p>The Respondent has submitted the hard copy of his Written Response on notarized Affidavit dated 20.04.2023 which has been received by the Authority on 03.05.2023.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>The Complainant has submitted a Rejoinder on notarized Affidavit dated 16.05.2023, as per the last order of the Authority dated 03.05.2023, which has been received by the Authority on 18.05.2023.</p> <p>Let the said Rejoinder of the Complainant be taken on record.</p> <p>Heard both the parties in detail.</p> <p>The Respondent has submitted in his Written Response that there was delay on the part of the Complainant in the payment of the instalments but in the Written Response there is</p>	

no specific details of the delay payment/s made by the Complainant.

The Complainant submitted at the time of hearing that the covered car parking space in multi-level car parking has not yet been provided to him.

The Advocate of the Respondent stated at the time of hearing that, the covered car parking space is almost ready but passage to the same is not yet ready but it will be completed and delivered very soon.

After taking into consideration the Affidavit of both the parties, notary attested copies of supporting documents submitted by both the parties and hearing both of them through online hearing, the Authority is of the view that the Respondent has failed in his obligation to deliver the possession of the flat within the stipulated time period. The possession of the said apartment was scheduled to be given within 42 months from the date of allotment i.e. within 1st September, 2017, whereas the possession of the apartment was delivered to the Complainant on 26th November, 2019, which is 25 months beyond the scheduled date of possession. Therefore the Authority is of the considered opinion that the Respondent is liable to pay interest for delay period in giving possession to the Complainant, 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.

The Complainant has paid total amount of Rs.22,75,524/- (Rupees twenty two lakhs seventy five thousand five hundred twenty four only) to the Respondent for purchase of the said flat along with the covered car parking. For Registration purpose he

has given Rs.1,58,868/-to the Respondent and whole of the amount of Rs.1,58,868/-has not been utilized for Registration due to deduction of stamp duty etc and as per the Complainant Rs.55,372/-is balance amount after the deduction of the Registration amount.

Hence it is hereby,

Ordered,

that the Respondent shall deliver the possession of the covered car parking space in the multi-level car parking, booked by the Complainant, complete in all respect, to the Complainant, within 60 days from the date of receipt of this order of the Authority by email.

The Respondent is further directed to refund the excess amount of Rs.55,372/-(Rs.1,58,868.00 -1,03,496.00), paid by the Complainant, for registration purpose, to the Complainant by bank transfer, within 45 days from the date of receipt of this order of the Authority through email.

The Respondent shall also make payment of interest for the delay period in giving possession to the Complainant, calculated on the principal amount of Rs. 22,75,524/- (Rupees twenty two lakhs seventy five thousand five hundred twenty four only) paid by the Complainant, at the rate of SBI Prime Lending Rate + 2%, for the period starting from the due date of delivery of possession that is from 01.09.2017 till the date of actual delivery of possession that is till 26.11.2019.

The Payment for the interest for delay 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.

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.

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.

slc

12.06.2023

Special Law Officer

West Bengal Real Estate Regulatory Authority