

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

Complaint No. WBRERA/COM000658

Swapan Kumar Dey.. Complainant

Vs

Sanjib Banerjee..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 27.08.2024	<p>Advocate Mr. Loknath Paul (Mob. No.9830819999 & email Id: advocateloknath04@gmail.com) is present in the physical hearing today on behalf of the Complainant filing Vakalatnama and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing today despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complaint Petition, The Complainant booked a flat/unit at the commercial project of the respondent and paid as earnest money of Rs 5.00.000/- and to that effect an agreement was executed dated 08.04.2019 and on that agreement the developer allotted a flat on the first floor of a multistoried building , measuring about 710 sq.ft. which was North-East facing situated at 32/A B Boral Para Lane, P.O & P.S - Baranagar, Mouza - Baranagar, J.L No 5, Div & Sub Div - 1, Touzi No. 1068/2833, R.s. Khatian No. 2924, C.S. & R.S. Dag No. 6554, under ADSR Cossipur. That the aforesaid allotted unit details mentioned in the aforesaid agreement and duly accorded by the sign of both the parties. But thereafter COVID -19 was came and the developer requested to complainant to wait for some time as the developer facing labour and money problem which was impediment to complete the project. However, looking at the situation the complainant waited, again. But after passed the COVID situation despite of several request promoter failed to allotted the aforesaid unit to the complainant. The developer failed multiple commitments even he issued a cheque being the cheque no. 013288 dated 29.04.2022, Bank IDBI, which was dishonored for insufficient fund on 02.05.2022 towards the refund back the earnest money and thereafter till date the promoter failed to deliver the unit. That on 12.05.2023 send a legal notice through the Learned Advocate of the complainant with request that either allot the unit as per the agreement or return back the earnest money of Rs.5,00,000/-which utilized /enjoyed by the builder. That after passed over the statutory time period on 18.09.2023 till date the respondent promoter set tight over this matter and neither allotted the unit</p>	

as mentioned in the agreement nor refund back the earnest money of Rs.5,00,000/-which was nothing but it is great prejudice to senior citizen complainant and by this act and actively/conduct by the developer the complainant suffering by huge loss and injury.

The Complainant prays before the Authority for the following relief(s):-

1. That kindly passed the order / direction / directions upon the Respondent to allot the unit/flat as per the agreement

or

Refund back the earnest money of Rs.5,00,000/-along with current fixed deposits bank interest on and from 08.04.2019.


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:-

The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested copy of 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 scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.


The Complainant is further directed to provide in a Tabular Form chronologically all the payments made by the Complainant specifying date, amount and money receipt number, if any, in the said table in his affidavit.

The Respondent is hereby directed to submit their Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of 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 scan 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 **09.04.2025** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority