

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

Complaint No. WBRERA/COM000201

Dr Subrata Datta & Smt. Chhanda Datta..... Complainant

Vs.

Godrej Amities Developers LLP..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 27.09.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Authorized Representative and Advocate Mr. Sibasish Chatterjee is present in the online hearing on behalf of the Respondent filing hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>Complainant at the time of hearing stated that they have by inadvertent mistake inserted the name of Joint Complainant Smt. Chhanda Datta as Respondent and failed to insert the name of the Respondent Godrej Amities Developers LLP in proper place. They prayed for necessary correction of the same before the Authority.</p> <p>Considered and granted the prayer of the Complainant.</p> <p>Let the name of Smt. Chhanda Datta be recorded as Joint Complainant and Godrej Amities Developers LLP be recorded as Respondent in this matter. Henceforth in all the records of this matter this correction shall be reflected.</p> <p>As per the Complainants they have booked an apartment on spot in 'Orchard at Godrej SE7EN, Joka' project of the Respondent Company on 30.12.2021. The Complainant has made payment of Rs.3,97,324/- and subsequently made another payment of Rs.2,77,877/- to complete 9.8%</p>	

payment as required by the developer for the booking. Therefore they made total payment of Rs.6,75,201/- to the Respondent in this regard.

In the month of June 2022 the Proforma Agreement For Sale was given to the Complainants and from this the Complainants came to know that the Godrej Properties Ltd. is not the Joint Venture Partner, they have nothing to do with the project except entering into a Limited Liability Partnership (LLP) with the Developer M/s Amities Developers LLP. As per the Complainants, there exists no registered valid Development Agreement between Godrej Properties Ltd. and Amities Developers LLP.

The Complainant prays for the following reliefs in the Complaint Petition :-

- a) Direction over the Godrej Amities Developers LLP to refund the full booking amount to the Complainants immediately; and
- b) Pending such refund, there should be complete stay of operation on their letter dated 31.03.2023, until the final disposal of this petition. They also to be restrained from dispossessing the said unit / flat with ID: G7 OH 1B U1004 through any act of re-allotment or by any other means to any other whatsoever.

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions of 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 her total submission regarding her 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 original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from today.

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 send the original affidavit to the Authority serving a copy of the same to the Complainant, both in hard and soft 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 **21.12.2023** for further hearing and order.

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

dlc
27.09.2023

Special Law Officer
West Bengal Real Estate Regulatory Authority