

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

Complaint No. WBRERA/COM 000723

Manoj Kumar Chandgothia Complainant

Vs

M/s Shiv Mahima Developers Pvt. LtdRespondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
07 06.04.2026	<p>Complainant along with Advocate Archana Sonthalia, Advocate Apratim Naskar and Advocate Anubhab Mukherjee is present in today's hearing physically by signing the attendance sheet.</p> <p>Respondent is absent in today's hearing, without any prior intimation, despite due service of hearing notice through email. Respondent was also absent on the last hearing and did not submit Affidavit as per Authority order dated 18.11.2025, which has been noted by the Authority with dissatisfaction.</p> <p>The Respondent committed earlier through Affidavit that project shall be completed by them fit for habitation before March, 2026 and was directed by the Authority vide order dated 09.06.2025 to complete the project before March, 2026 along with obtaining CC from the competent Authority and shall handover physical possession to the Complainant thereafter. But the Respondent miserably failed to comply the same, against which no response was submitted by the Respondent in spite of Authority order.</p> <p>Due to failure on the part of the Respondent, the Complainant prayed for refund of the invested money paid by them along with interest as per provision of section 18 of the Act.</p> <p>Now, the Authority is hereby pleased to give the following direction:-</p> <p>A. As per provision of section 18 of Real Estate (Regulation and Development) Act, 2016 read with Rule 18 of WBRERA Rules, the Respondent shall refund the Complainant the principal amount of Rs. 92,43,438/- along with interest at the rate SBI PLR +2 per cent to be calculated from the date of payment of the principal amount by the Complainant till the date of refund of the same, by the Respondent, through bank transfer within 45 (forty-five) days from the date of receiving this order of this Authority by speed post or by email whichever is earlier.</p> <p>B. The Complainant shall send his bank account details to the Respondent within 5(five) days from the date of receiving this order through email.</p>	

C. As per provision of section 63 of the Real Estate (Regulation and Development) Act, 2016 the Respondent shall pay a penalty of Rs. **5,000/- (rupees five thousand only) per day** for each day of default for non-compliance of Authority order dated 09.06.2025 and also dated 18.11.2025 from 09.06.2025.

D. As per provision of section 61 the Respondent shall also pay a penalty at the rate 1% of the project cost for non-compliance of the Authority order and violation of the provision of section 6 of the Real Estate (Regulation and Development) Act, 2016. The Respondent is hereby directed to deposit the said amount within **30 (thirty) days** from the date of receiving this order through email in the account of WBRERA as stated below and report compliance of the above order through notarized Affidavit to the Authority.

A/c Name:- WEST BENGAL REAL ESTATE REGULATORY
Bank Name:- STATE BANK OF INDIA
A/c number:- 00000042520982210
CIF No:- 90909677334
IFSC number:- SBIN0000001
MICR:- 700002021

With this direction the instant matter is hereby disposed of.

Let coy of this order be served to both the parties immediately.



(JAYANTA KR. BASU)

Chairperson
West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member
West Bengal Real Estate Regulatory Authority