

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

Complaint No.WBRERA/COM-000011

Anil Agarwal

.....Complainant

Vs

Riverbank Developers Private Limited

..... Respondent

| Sl. Number<br>and date of<br>order | Order and signature of Officer   | Note of<br>action<br>taken on<br>order |
|------------------------------------|--|--|
| 1<br>-----<br>24.02.2023           | <p>Mr. Dewesh Agarwal son and Authorized Representative of the Complainant is present in the online hearing filing hazira and Authorization through email.</p> <p>Advocate Akshita Bohra, on behalf of the Respondent is also present in the online hearing filing hazira and Vakalatnama through email.</p> <p>Heard both the parties.</p> <p>Complainant submitted that he booked two flats in the project 'Highland Greens Phase-II' of the Respondent. He was allotted Apartment No. 5B3 on 5<sup>th</sup> Floor of Tower-4 and Apartment No. 7B6 on the 7<sup>th</sup> floor of Tower-16. The said two flats were valued Rs.35,65,000/- (Rupees thirty five lakhs sixty five thousand only) each in terms of the General Terms and Conditions (GTC) of Allotment Letter. He was issued two Allotment Letters dated 8<sup>th</sup> December, 2014 for the said two flats.</p> <p>As per Clause 11 (a) of the General Terms and Conditions (GTC), possession of the flat was to be handed over within 42 months from the date of allotment i.e., within 7<sup>th</sup> June, 2018.</p> <p>As per the Complainant, the Respondent miserably failed to handover</p> |  |

the said two flats till date.

The Complainant paid total Rs.70,54,034/- (Rupees seventy lakhs fifty four thousand thirty-four only) till date for purchase of the said two flats.

The Complainant prays for relief of refund of the Principal amount of Rs.70,54,034/-(Rupees seventy lakhs fifty four thousand thirty-four only) along with interest @18% (eighteen percent) per annum.

The Advocate of the Respondent stated that a Complaint case filed by the Complainant is pending in Consumer Forum in this regard and she also prayed for some time to file the Written Response.

After hearing both the parties, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents, if any, and send the original affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 7 (Seven) days from the date of receipt of this order through email.

The Complainant is further directed to state the details of the case, if any, filed by him in the Consumer Forum and present status of the case and also his submission regarding maintainability of this Complaint Petition before this Authority in light of the pending case in same matter before the Consumer Forum.

The Respondent is directed to submit his Written Response regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary 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 7 (Seven) days from the receipt of the Affidavit of the Complainant.

The Complainant is further directed to submit his Reply/Rejoinder, if any, on a Notarized Affidavit and send the original affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 7 (Seven) days from the date of receipt of the Affidavit of the Respondent.

Fix 30.03.2023 for further online hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

  
24/2/2023

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

  
24/02/2023

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority