

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

Complaint No. WBRERA/COM000555

Santanu Goswami And Nandita Goswami Complainants

Vs

Bengal Shelter Housing Development Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 31.07.2024	<p>Complainants (Mob. No. 9836151150 & email Id: gosai83@yahoo.in) are present in the online hearing filing hazira through email.</p> <p>Advocate Subhro Kanti Roy Chowdhury (Mobile - 9831581182 & email Id: 2018skandassociates@gmail.com) is present in the online hearing today on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complaint petition, the fact of case is that on the basis of the advertisement issued by Bengal Shelter Housing Development Limited that is the Respondent in the Ananda Bazar Patrika dated 22.12.2012, the Complainants decided to purchase a flat at Bagesree, (HIG), Block-2, "NEEL DIGNANTA", Barasat, 24-Pgs (N), West Bengal for residential purpose and submitted an application vide number 314 alongwith the application fee of Rs.75,000/-and service tax of Rs.2318/-through a banker's cheque dated 02.01.2013. Thereafter, a provisional allotment letter vide number NDB/104/1 dated 17.01.2013 was issued to the Complainants for payment of allotment money on or before 03.03.2013, representing 25% of the total cost of the flat that is Rs. 8,44,375/- and service tax thereon Rs.26,091/-. Besides, the cost of the car parking was Rs.1,25,000/-representing 50% of the cost of the car parking and service tax thereon Rs.3,863/-were also paid to the respondent through the formerly Syndicate Bank now Canara Bank, vide money receipt number 148348 and 148349 dated 28.02.2013. Both the receipt number 146722 and 146723 dated 17.01.2013 represents the application money of Rs.75,000/-and service tax of Rs.2,318/-as being stated above. The above total sum of Rs.10,76,647/-was arranged and paid to the Respondent before the due date. Now, the Complainants, would like to highlight that as per Para 12 of the allotment letter dated 17.01.2013 the Respondent was supposed to give possession of the said flat in question to the allottees within 48 months from the date of allotment. But till date, no initiative for the construction of the above flat has been taken by the Respondent to handover the flat to the allottees.</p> <p>The Complainant prays before the Authority for the following</p>	

relief(s):-

The Complainants would like to pray humbly before the esteemed WBRERA to arrange for the refund of the our entire amount of the application fee, 25% of the allotment money of the flat, 50% cost paid for the covered car parking and service taxes paid thereon amounting to a total sum of Rs.10,76,647/- alongwith appropriate compensation in the form of interest @8% compounded annually in one lump sum or the rate of compensation as deemed proper by the WBRERA Authority to compensate for the loss incurred over more than the past ten years to get rid of acute financial crisis.

After hearing both the parties, 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:-

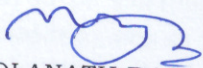
The **Complainants** are directed to submit its total submission regarding this Complaint Petition on a Notarized Affidavit, annexing therewith notary attested/self-attested copy of supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority, serving a copy of the same to the Respondent, both in hard and scan copies, within **21 (twenty-one) days** from the date of receipt of this order of the Authority through email.

The **Complainants** are further directed to send a scan copy of their Affidavit alongwith annexure to the email Id of the Advocate of the Respondent, as mentioned above.


The **Respondent** is hereby directed to submit its 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 **21 (twenty-one) days** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is further directed to submit a **Refund Schedule** in their abovementioned Affidavit specifically mentioning the number, date and amount of installments by which they will make refund the Principal Amount and payment of the interest amount at the rate of SBI PLR+2% per annum calculated from the respective dates of payments made by the Complainant till the date of realization, to the Complainant.

Fix **19.11.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority