

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

Complaint No. WBRERA/COM000470

Rana Das Complainant

Vs.

Greentech It City Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 13.05.2024	<p>Advocate Mr. Supratic Roy & Advocate on Record Mr. Shuvajit Roy (Mob. No. 7687051303 & email Id: royshubajit1999@gmail.com) are present in the online hearing on behalf of the Complainant filling hazira and vakalatnama through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also through 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 Complainant, he has booked a residential unit, being no. "C4" on the 4th Floor, in Block No.6 in 'Smart Home Residency-1' of the Respondent Company, situated in the Green Tech IT City through India Bulls Distribution Services Ltd. after availing a loan for the aforesaid unit from Central Bank of India, Red Cross Place branch, Kolkata – 700 001 (loan account no. 3971514249). He entered into an Agreement for Sale with the aforesaid Respondent-Builder on 24th Day of September, 2016, wherein the builder promised to deliver the unit after 24 months + 6 months (extra) i.e. latest by 24.03.2019. All the payments were done via bank transfer (cheque/directly by central bank against the loan account) within the time frame whenever the demand was raised by the builder, after having confirmation from India Bulls about the status of the project, several emails/phone calls were made to the Respondent and India Bulls official regarding handing over the unit only with false reply from them that it will be ready with very short time frame. The registration of the project under WBHIRA has lost its validity on 31st July, 2023. The health of the construction has also degraded as it has tolerated the sun and rain for several years now without the surface plaster. He has paid a total of Rs.14,53,595/-including applicable taxes to the developer through cheques/direct transfer from the Central Bank of India, Red Cross Place Branch after having confirmation emails from Mr. Shiladitya Thakur, Designation: Manager of India Bulls Distribution Services Ltd. He has paid all the dues with interest that he had availed from the central bank and closed the loan account on 16.05.2019. He has the original agreement copy with</p>	

him and ready to upload it anytime if it is required by the Authority.

The Complainant prays before the Authority for the relief of complete refund of the money of Rs.14,53,595/-that he has paid to the developer with full compensation as per the rules stated in the RERA Act and cancellation of the agreement that was executed on 24.09.2016 between him and the developer as the developer has failed to handover the unit even after 5 years of scheduled delivery / 7.6 months after execution of the Agreement.

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:-

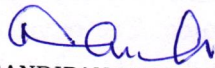
The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

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 Affidavit (in original) 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.

The Respondent is further directed to remain present on the next date of online hearing, otherwise the Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter for the ends of speedy disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016.


The Respondent is further directed to submit the Written Response within the stipulated time period, as directed above, failing which no more time or chance shall be given to the Respondent for the ends of speedy disposal of justice.

Fix **11.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority