

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

Complaint No. WBRERA/COM000261

Sonali Bhattacharjee and Kausik Bhattacharjee..... Complainants

Vs

Hiland Projects Limited... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 28.06.2024	<p>Complainants are present in the online hearing filing hazira 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 by email.</p> <p>Let track records of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainants in detail.</p> <p>As per the Complainants they have booked 'Bakul Villa-28' which was offered for sale by the Respondent on 08.07.2021 vide booking No. BOO0026/00016/21 against payment of Rs. 6,85,235/- as 10% of total Villa pricing of Rs. 68,52,530/-. After that Rs.6,85,235/- the Complainants paid another 10% of the total Villa pricing on 05.10.2021 as per the Sale Agreement entered into between the Respondent Company and the Complainants.</p> <p>Though the Respondent was supposed to start the construction of the above mentioned 'Bakul Villa-28' of the residential complex in 'HILAND BONOCHHAYA PHASE-1', no construction work done by the Respondent team till this date. The Complainants tried to get in touch with the Respondent several times on phone, sometimes Respondent didn't pick up their calls or Respondent tell every time that work will be started soon. After asking builder, why the work not being started? Respondent has given different reasons, sometimes due to any legal issue, either due shortage of manpower or shortage of fund. Every time the builder is taking 2/3 months to start the project, but not kept their promise. It is going on since the signing of the Sale Agreement from October'21. After the meeting on 20.05.2023 at Respondent office address Woodburn Central, 5A, Woodburn Park, 2nd Floor, Kolkata-700 020 to discuss the project status and starting date, Respondent's representative told that, it might be started by the first phase on the month of June'23. It has been crossed nearly two (02) years from the date of booking and the Complainants felt that they have been cheated</p>	

by Hiland Projects Ltd.

As per the terms and conditions of the Sale Agreement & RERA confirmation, the above mentioned project was to be completed & handed over to the Complainants within September'2023. But from the present scenario of the above mentioned project, it is clearly seen that the above timeline can't be possible and practical. Now it appears that the Respondent has totally neglected to fulfill the terms of the said Agreement.

Reliefs claimed by the Complainants:-

The Complainants prays before the Authority for necessary direction regarding the following:-

- 1) Why the above project work has been stalled without a valid written confirmation and reason?
- 2) When the project & Villa Construction work will be started?
- 3) What will be the plan and total time frame to complete the above mentioned project?
- 4) If the project does not start within a reasonable time, refund of the Principal Amount paid by the Complainant alongwith statutory interest.

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 their total submission regarding their 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 **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 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 **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **10.09.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority