

**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-000003

Bani Dasgupta

..... Complainant

Vs

Dharitri Infraventure Pvt. Ltd.

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 28.03.2023	<p>Advocate Vinit Sharma is present on behalf of the Complainant in the online hearing filing hazira and Vakalatnama through email.</p> <p>Advocate Sayantani Das, representing the Respondent is also present in the online hearing filing hazira and authorization through email.</p> <p>Notarized Affidavit on behalf of the Complainant has been received by the Authority as per the last order of the Authority dated 23.02.2023.</p> <p>Let the Affidavit of the Complainant be taken on record.</p> <p>The Respondent has submitted Written Objection on Notarized Affidavit as per the last order of the Authority dated 23.02.2023.</p> <p>Let the Written Objection be taken on record.</p> <p>The Complainant submitted Rejoinder/Reply against the Written Objection of the Respondent.</p> <p>Let the Rejoinder/Reply of the Complainant be also taken on record.</p>	

Heard both the parties in detail.

The case of the Complainant is that, she booked a flat and entered into an Agreement for Sale for purchase of a flat of total area of 350 Sq.ft. on the 3<sup>rd</sup> Floor of the project 'Royal Enclave' of the Respondent Company and he paid total amount of Rs.3,30,000/- (Rupees three lakhs thirty thousand) only to the Respondent in this regard. Subsequently, the allotment was transferred to another project named 'Universia' of the Respondent situated at Rajarhat, South 24-Parganas.

In the opinion of the Authority, the transfer of the booking was made either at the instance of the Complainant or Respondent, but the fact remains that, the Complainant has a booking of a flat in the project 'Universia' and therefore in whose instance or at whose request the transfer of booking was made is immaterial in the matter of adjudication of this case.

The project 'Universia' of the Respondent also failed miserably and he failed to start the project due to some litigations relating to the land on which the said project was to be developed.

In addition to that, the Respondent took the booking of this project without taking Registration from the then WBHIRA, therefore, the Respondent violated Section (3) of the WBHIRA Act, 2017. Till date the project has not been started by the Respondent and no Registration has been taken from RERA.

Therefore, the Complainant claimed for cancellation of the booking and refund of his money as the Respondent failed to take HIRA Registration of the project and the project was not started and construction was not done as per the schedule of construction given in the Agreement for Sale. Hence, the Complainant has no other option but to claim refund of his money from the Respondent.



In consideration of the above stated circumstances and on examination of the documents and notarized affidavits of both parties in record, the Authority is of the opinion that, the Respondent failed miserably in his obligations. He first violated the then HIRA Act, and Rules after that he took bookings without getting the project registered under the then HIRA and also did not refund the money to the Complainant when the project did not start due to litigation and other reasons. Therefore, the Respondent is bound to give refund to the Complainant as per the RERA Act and Rules. It is hereby,

ORDERED

that the Respondent shall make refund of the principal amount of Rs.3,30,000/- (Rupees three lakhs thirty thousand) only to the Complainant along with interest @ **SBI Prime Lending Rate + 2% p.a.**, for the period starting from the date of last payment made by the Complainant till the date of final refund by the Respondent.

The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of receipt of this order of the Authority.

The Complainant shall send her bank account details, in which she will receive the refund, to the Respondent, within 3 (three) days from the date of receipt of this order of the Authority by email.

The Complainant shall be at liberty to file an execution application before this Authority, if the Respondent fails to comply this order within the stipulated time period.

Copy of this order be served both the parties by speed post and also by email immediately.

With the above directions the matter is hereby disposed of.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy.

*Sole*

28.03.2023

Special Law Officer  
West Bengal Real Estate Regulatory Authority