

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

Complaint No. WBRERA/COM000300

Chandra Roy Pramanik & Pradeep Pramanik..... Complainants

Vs

Dharitri Infraventure Pvt. Ltd..... Respondent No.1

Vicky Singh..... Respondent No.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 23.04.2024	<p>Complainants (email Id: freindchat0088@gmail.com & Mob. No. 9932329578) are present in the physical hearing and both signed the attendance sheet.</p> <p>Legal Executive Smt. Sayantani Das (Mob. No.8240745213 & email Id:legal@dharithri-infra.com) is present in the physical hearing on behalf of the Respondent filing authorization and signed the attendance sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant they have booked a flat valued of Rs.19,31,250/-only measuring 750 sq.ft. in the project named 'Royal Enclave' of the Respondent Company situated at Hudrait-Mouza Newtown Action Area-3, Sapoorji Paloonji Bus Stop, New Town -700 135 at Tower 9 (2nd Floor, Flat -D) against a sum of Rs.5,00,000/-towards advance (paid in two phases Rs.20,000/-on 30.04.2019 & Rs. 4,80,000/-on 08.05.2019) and was supposed to be delivered in June'2022 (within 36 months from the date of booking). Accordingly an Agreement for Sale was signed between the parties on 24.07.2019. But very surprisingly there is no improvement till date & even there was no communication from the end of the Respondent-Developer. Now, on enquiry it has been said that the project has been abandoned and the Respondent stated that the Complainant may buy a bungalow at a higher cost or may opt for another flat on any tower (at a higher value) which is yet to be constructed. In this</p>	

situation the complainants feel insecured and cheated and they want full refund immediately alongwith statutory interest.

The Complainant prays before the Authority for the relief of immediate full refund of the Principal Amount of Rs.5,00,000/- alongwith interest.

After hearing the Complainant, 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:-

Let Shri **Pradeep Pramanik** be included as Joint Complainant in the present matter because he is the Joint Allottee alongwith the Complainant Smt. Chandra Roy Pramanik and henceforth in all the records of this matter his name shall be included as a Joint Complainant.

Let **Dharitri Infraventure Private Limited** be included as Respondent no.1 in the present matter because it is a necessary party in the present transaction and for proper adjudication its inclusion is necessary. Let Mr. Vicky Singh, Director of Respondent no.1, be referred as Respondent no.2 henceforth in this matter.

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.

In spite of the above directions, both the parties are directed to take initiative to amicably settle the matter by mutual discussion and if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both the parties and send it to the Authority (in original) before the next date of hearing and in that case there is no need of submitting separate Affidavit as directed above.

Fix **15.07.2024** for further hearing and order. On the next date hearing shall be held through online mode.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority