

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(PHYSICAL)000069

Mr. Ashis Kumar Mukherjee & Mrs. Upama Mukherjee..... Complainants

Vs

Hiland Projects Limited & Ors..... Respondents

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>22.02.2024</u>	<p>Advocates Mr. Ayan Sarkar (Mob. No.8017141985 &amp; email Id – ayan.sarkar@3sjalan.co.in) and Mr. Satyaki Charkarborty (Mob. No.9830210692 &amp; email Id – adv_satyaki@hotmail.com) are present in the physical hearing on behalf of the Complainants filing hazira &amp; vakalatnama and signed the attendance sheet.</p> <p>Advocate Anirban Chatterjee (Mob. No.9836700012 &amp; email Id: adv.anirban1@gmail.com) is present in the hearing through online on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, they have booked a flat bearing unit no. Bakul 12 having carpet area of 991 sq.ft. alongwith balcony area of 211 sq.ft. and terrace area of 233 sq.ft. in the Project of the Respondent named as <b>'Bonochhaya' situated</b> at Bolpur on 23.11.2018. Till date Complainants have paid total payment of Rs. 47,49,845/- in this regard. The Total consideration amount of the said unit is Rs.68,35,640/-. The unit was agreed to be delivered on or before 31.12.2022 as per clause 6.1.1 of the Agreement for Sale executed between the parties on 13.01.2020. The Agreement was registered tri-partite Agreement amongst the Complainants, the Respondent Developer and Mr. Subhas Sarkar and Mrs. Ratna Sarkar being the landowners where in the project was being developed. The Respondent failed to deliver possession as per the said Agreement for Sale within the schedule time line.</p> <p>Complainant prays for the relief of refund of the Principal Amount of Rs.47,49,845/- alongwith statutory interest.</p>	

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 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 through email.

Complainant is further directed to send a scan copy of his whole Affidavit to the advocate of the Respondent through email to the email address of the advocate of the Respondent as mentioned above.

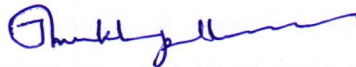
The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainants, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainants, both in hard and soft copies, within **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainants either by post or by email whichever is earlier.

Fix **15.04.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)  
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHAY)  
Member

West Bengal Real Estate Regulatory Authority