

West Bengal Real Estate Regulatory Authority

Calcutta Greens Commercial Complex (1st Floor)

1050/2, Survey Park, Kolkata – 700 075

Complaint No.WBRERA/COM000021 & COM000477(erstwhile WBHIRA)

Satish Sharma.....Complainant

Vs.

Greentech IT City Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
<p>5 ----- 21.06.2023</p>	<p>Advocate Rajiv Kumar Choudhary is present on behalf of the Complainant filing his hazira and Vakalatnama through email.</p> <p>Advocate Subhro Kanti Roy Chowdhury and Advocate Ritaja Mukherjee are present on behalf of the Respondent (Uday Modi and Raj Kishore Modi) in the online hearing filing hazira and Vakalatnama through email.</p> <p>Advocate Prasenjit Mitra is present on behalf of Asok Kumar Tulsyan and Prateek Tulsyan.</p> <p>Heard all the parties in detail.</p> <p>Advocate Prasenjit Mitra stated at the time of hearing that Shri. Asok Kumar Tulsyan and Shri. Prateek Tulsyan presently are not Directors of the Respondent Company i.e. Greentech IT City Pvt. Ltd., from the year 2019. Therefore, he prayed before the Authority for discharge of both Shri. Asok Kumar Tulsyan and Shri. Prateek Tulsyan from this Complaint Case.</p> <p>The case of the Complainant is that, he booked a flat in the project 'Greentech City' of the Respondent on 09.06.2015 and he paid total Rs.18,75,412/-(Rupees eighteen lakhs seventy five thousand four hundred twelve) only to the Respondent for the purchase of the flat. The flat is bearing No. D5 on the 5th floor,</p>	

Block no. 06 within the unit of Terrace Heights. The possession of the flat was scheduled to be delivered in the year 2017 but till date the Complainant did not get the possession of the flat.

The Complainant prayed before the Authority for the relief of refund of the entire money paid by him along with interest.

After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties in the online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the Apartment to the Complainant within the scheduled time line and therefore he is liable to refund back the principal amount paid by the Complainant along with interest at the rate of SBI PLR +2% starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence it is hereby,

Ordered,

That the Respondent shall refund the principal amount of Rs. 18,75,412/- (Rupees eighteen lakhs seventy five thousand four hundred twelve only) along with interest @SBI Prime Lending Rate + 2% per annum starting from the respective dates of payments made by the Complainant till the date of realisation.

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 by email.

The Complainant shall send his bank account details in which he wants to take the refund amount, to the Respondent by email within, 3 days from the date of receipt of this order of the Authority by email.

Complaint is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order. In that case Respondent shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent, of the estimated cost of the real estate project named '**Greentech City**', as determined by this Authority, as per the provision contained in section 63 of the Real Estate (Regulation and Development) Act, 2016.

Let copy of this order be sent to both the parties through speed post and also by email immediately.

With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority