

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

Complaint No. WBRERA/COM000471

Deepak Mawandia (HUF)..... Complainant

Vs

Shree RSH Projects Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 03.01.2024	<p>Advocate Soumyajit Saha (Mob. No. 8240281038 & email Id- soumyajit@citadel-chambers.com) is present in the online hearing on behalf of the Complainant. He is directed to submit his hazira and vakalatnama to the Authority by email immediately after today's hearing.</p> <p>Advocate-on-record Labanyasree Sinha and Advocate Mobina Ali (Mob. No. 9007316444 & email Id- mobina@legaloptions.in) are present in the online hearing 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, he has booked a residential flat, having a built up area of 4084 sq.ft., being No. 1801, on the 18th Floor, together with 3 covered car parking spaces in the project named as 'RSH Signature' of the Respondent. Total consideration price of the said flat is Rs.6,21,37,000/-plus GST. The Complainant has paid till date Rs. 5,00,67,637/- from to time to the Respondent Company as per Agreement for Sale. Agreement for Sale was executed between the parties on 05.12.2016. Clause 10.1 of the Agreement of Sale stipulated that the flat was required to be completed within January 2018 or within an extended period of one year i.e. within January 2019. The Respondent failed to handover the possession of the said flat as per the Agreement for Sale and till today the said flat is not completed and not ready for taking possession. As per the provisions of the Real Estate (Regulation & Development) Act, 2016 the Respondent is required to obtain the completion certificate in order to handover the possession of the flat.</p> <p>In this Complaint Petition, the Complainant prays for the following reliefs:-</p> <ol style="list-style-type: none">1. The Respondent be directed to pay interest calculated as per the SBI prime lending rate plus 2% i.e. at the rate of 16.85% p.a. on the consideration from August'05, 2014, being the date of first cheque	

drawn in favour of the Respondent was encashed, till the date of hand over of possession of the said Residential flat upon obtaining the completion certificate, in accordance with section 18(1) of the Act read with rule 17 of the RERA Rules, and

2. The Respondent be directed to complete the project, obtain completion certificate and/or the occupancy certificate at the earliest and hand over possession of the Residential flat forthwith upon obtaining the completion certificate, and
3. The Respondent be directed to pay a penalty as prescribed under Section 61 of the Act for failing to complete the Project within the declared period; and
4. The Respondent be directed to compensate the Complainant with a sum of at least **Rs. 3,50,00,000/-** (Rupees three core fifty lakh) for the undue financial strain caused to the members of the Complainant due to the delay in handing over the Residential Flat, together with interest thereon, on account of the amounts expended by the members of the Complaint to acquire and refurbish an alternative place of residence; and
5. Cost.
6. Such other orders and / or directions as may be deemed fit by this Authority in the facts on circumstances of the present case.

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 Complainant is directed to submit his total submission regarding his 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 **14 (fourteen)** days from the date of receipt of this order through email.

The Complainant is further directed to send a scan copy of the Affidavit with annexure to the Advocates of the Respondent in their above respective email Ids.

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 **14**

(fourteen) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is further directed

Fix **09.04.2024** for further hearing and order.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy



03.01.2024

Special Law Officer

West Bengal Real Estate Regulatory Authority