

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

Complaint No. COM000301

Saibal Kanti Chwodhury and Sumana Chowdhury Complainant

Vs.

Dharitri Infraventure Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
02 10.08.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Sayantani Das is present in the online hearing on behalf of the Respondent filing hazira and Vakalatnama through email.</p> <p>Smt. Sumana Chowdhury, wife of the Complainant is also Joint Allottee in the subject matter property, therefore this Authority is of the view that she is a necessary party in this matter and she should be included as Joint Complainant in the present Complaint Petition.</p> <p>Let Smt. Sumana Chowdhury be included as Joint Complainant in this matter and henceforth in all the records of this matter, her name should be included as Joint Complainant.</p> <p>This Complaint Petition was filed before the erstwhile WBHIRA and Admission Hearing was held on 20.03.2020 and the matter was duly admitted by the erstwhile WBHIRA and Respondent was directed to submit Written Response on Affidavit. Later on 4th May, 2021, WBHIRA was struck down by Hon'ble Supreme Court of India.</p>	

It should be mentioned here that by the Order of the Hon'ble Supreme Court dated 12.05.2023 in the Case No. Special Leave to Appeal (C) No(s). 16908/2022 in the matter of Saptaparna Ray Vs. District Magistrate North 24 Parganas & Ors., the Apex Court has been pleased to direct-

"This Court observed that the "striking down of WB-HIRA will not affect the registrations, sanctions and permissions previously granted under the legislation prior to the date of this judgment". This principle shall also apply to orders which were passed whether in original or in the course of execution prior to the date of the judgment. All such orders shall be executed in accordance with law, as if they were issued under the RERA.

Moreover, we clarify that all complaints which were filed before the erstwhile authority constituted under WB-HIRA shall stand transferred to and be disposed of in accordance with law by the authority which is constituted under the Central Act. Any person aggrieved by an order passed under WB-HIRA will be at liberty to pursue the corresponding remedy which is available under the RERA."

Therefore, as per the above direction of the Hon'ble Supreme Court the Complaint no. COM 000301 stand transferred to this Authority and this Authority shall now proceed with hearing of this present Complaint Petition bearing no. COM 000301.

Heard both the parties in detail.

As per the Complainant, he booked a 3 BHK flat having a covered area of 900 sq ft approximately on 3rd Floor, Block no. 19, flat Number-'G' in the housing complex known as "**Universia**" of the Respondent Company . The said booking was

confirmed by the Respondent Company. Till date he has paid total Rs.4,14,001/- to the Respondent in this regard. A 'Memorandum of Understanding' was executed between the Complainant and Respondent on 10.02.2017 in this regard. It is claimed by the Complainant that progress of the project is not according to the assurance and the timeline as agreed between the parties and as recorded in the MoU.

Complainant prays for order of refund of entire deposit along with admissible interest in terms of provisions of RERA Act, 2016. The Complainant has got the refund of Rs. 40,000/- till date. He prays for the refund of the balance amount of Rs. 3,74,001/- with admissible interest as per law.

After hearing both the parties, the Authority is hereby pleased to admit this matter for further hearing and order as per the provisions contained in section 31 of 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 self-attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **15 (fifteen)** days from today.

Complainant is further directed to send a scan copy of the Affidavit of the Complainant to the Advocate of the Respondent. The email id and contact number of the advocate of the Respondent are given below :-

legalquery@dharithri-infra.com

Mobile no. - 8240745213

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith authenticated supporting documents, if any, and send the original Affidavit 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.

Respondent is further directed to submit a Refund Schedule in his Affidavit, as mentioned above, stating the number of installments, date and amount of installments by which he will refund the Principal Amount paid by the Complainant alongwith interest @ SBI PLR +2% per annum for the period starting from the date of respective payments till the date of realization, as the said project has been abandoned by the Respondent.

Fix **21.09.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority