

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

Complaint No.WBRERA/COM000335 (erstwhile WBHIRA)

Partha Pratim Biswas and Aditi Biswas..... Complainants

Vs.

Shristi Infrastructure Development Corporation Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
05 11.09.2023	<p>Let Mrs. Aditi Biswas wife of Mr. Partha Pratim Biswas be added as a joint Complainant as because she is the joint allottee in the subject matter property and henceforth in all communications regarding this matter her name shall be included.</p> <p>Complainants are present in the online hearing filing hazira through email.</p> <p>Mr. Ashis Jha, Authorized Signatory of the Respondent Company (Mob. No. 9836147678 & email Id: ashish.jha@shristicorp.com) is present in the online hearing on behalf of the Respondent filing hazira and authorization through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainants is that the Complainants booked an Apartment bearing no. 3C/1 in the project of the Respondent named as "The V" (service Apartment in "Westin V" situated at Newtown , Rajarhat , West Bengal). As per terms and conditions of the GTC signed between the parties on 31.10.2014, the said Apartment was scheduled to be delivered in April 2015. It has been 8 years since then but the Respondent has failed to deliver the flat or refund the money with interest.</p> <p>In this Complaint Petition the Complainant prayed for full refund of the money paid by him with interest as per RERA Act and Rules. Total amount paid by the Complainant to the Respondent is Rs.</p>	

1,11,87,270/-

The Respondent prayed before the Authority today at the time of hearing for adjournment of hearing of this matter on the ground that his advocate is not available today and he also sent an email communication in this regard on 11.09.2023.

Let the said email communication of the Respondent received on 11.09.2023 be taken on record.

Considered and rejected the prayer for adjournment of the Respondent on the following grounds:-

- a) That the Written Response on Notarized Affidavit of the Respondent has been received by this Authority on 17.03.2021, therefore the points of defence taken by the Respondent have already been taken on record; and
- b) In the last order of the Authority dated 26.07.2023, Respondent was directed to remain present positively on the next date of hearing, failing which, the Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter for ends of speedy disposal of justice as per the provisions contained in section 29(4) of the Real Estate (Regulation and Development), 2016 (hereinafter referred to as the RERA Act, 2016).

Therefore, the Authority is of the considered opinion that sufficient time and reasonable opportunity has been given to the Respondent to present their case and defend himself in the present matter but he also submitted his Written Response therefore the Authority shall now proceed with hearing and disposal of this matter as per the provision of section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

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 timeline as per clause 10 of General

Terms and Conditions executed between the parties 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% per annum 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.1,11,87,270/- (Rupees One Crore Eleven Lakhs Eighty Seven Thousand Two hundred Seventy only) paid by the Complainant along with interest at the rate of SBI Prime Lending Rate + 2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realisation.

The details of the payments made by the Complainant is given below for purpose of calculation of interest :-

Sl. No.	Date of Payment	Amount
1.	18.07.2013	Rs.15,00,000/-
2.	15.01.2014	Rs.15,00,000/-
3.	26.02.2014	Rs.40,00,000/-
4.	06.06.2014	Rs.15,37,603/-
5.	27.10.2014	Rs.12,19,681/-
6.	04.12.2014	Rs.12,19,681/-
7.	01.09.2014 (TDS)	Rs. 83,125/-
8.	01.09.2014 (TDS)	Rs. 1,03,070/-
9.	01.09.2014 (TDS)	Rs. 120/-
10.	11.11.2014 (TDS)	Rs. 11,875/-
11.	11.11.2014 (TDS)	Rs. 240/-
12.	08.12.2014 (TDS)	Rs. 11,875/-
Total		Rs. 1,11,87,270/-

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 might 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 "**The V**" (service Apartment in "Westin V" situated at Newtown , Rajarhat , West Bengal), 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

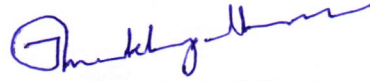
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority