

West Bengal Real Estate Regulatory Authority  
Calcutta Greens Commercial Complex (1st 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 the Authority	Note of action taken on order
02 <u>15.04.2024</u>	<p>Advocates Mr. Ayan Sarkar (Mob. No.8017141985 &amp; email Id – ayan.sarkar@sjalanco.in) and Mr. Satyaki Charkarborty (Mob. No.9830210692 &amp; email Id – adv_satyaki@hotmail.com) are present in the online hearing on behalf of the Complainants filing hazira &amp; vakalatnama through email.</p> <p>Respondent is absent despite due service of hearing to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Complainant submitted Notarized Affidavit dated 22.03.2024 containing their total submission regarding this Complaint Petition, as per the last order of this Authority dated 22.02.2024, which has been received by this Authority on 22.03.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>Till date the Respondent did not submit any Affidavit containing their Response regarding this Complain Petition and no one appeared before the Authority today on behalf of the Respondent.</p> <p>Therefore, the Authority is of the opinion that reasonable opportunity and sufficient time has been given to the Respondent to present their case but they neglected / failed to submit their response within the stipulated timeline and this Authority has no other option but to proceed with ex-parte hearing and disposal of this matter today as per the provisions contained in section 29(4) of the Real Estate (Regulation and Development) Act, 2016, by Application of this provision, the Authority is under the obligation to dispose of matters before it within a period of 60 days from the date of receipt of the Application.</p> <p>Heard the Complainants in detail.</p> <p>The Advocate of the Complainants stated at the time of hearing that they have served their Affidavit to the Respondent as per the last order of this</p>	

Authority dated 22.02.2024.

After hearing the Complainant and going through the Affidavit submitted by the Complainants, the Authority is of the considered view that the Respondent has failed to deliver possession of the flat to the Complainant as per the schedule timeline and therefore he has defaulted in his obligations. Therefore the Respondent is liable to refund the Principal Amount paid by the Complainants alongwith interest @SBI PLR +2% per annum, calculated on the total Principal Amount, for the period starting from the respective dates of the payments made by the Complainants till the date of realization, 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,

a) The Respondent Company '**Hiland Projects Limited**' shall refund the Principal Amount of **Rs. 47,49,845/-** (Rupees forty seven lakhs forty-nine thousand eight hundred forty-five) only alongwith interest @**SBI PLR +2%** per annum, calculated on total principal amount, for the period starting from the respective dates of payments made by the Complainant till the date of realization, within a period of **45 (forty-five)** days from the date of receipt of this order of the Authority through email. The payment shall be made through bank transfer to the bank accounts of the Complainants.

b) The Complainants shall send their bank account details to the Respondent within 3 (three) days from the date of receipt of this order of this Authority through mail, in which they will take the refund from the Respondent; and

c) The Complainant is at liberty to submit a prayer for Execution application in plain paper annexing the final order of this Authority, if the Respondent did not comply the order as mentioned above at point no. (a) within the stipulated timeline.

With the above directions the matter is hereby disposed of.

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



(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