

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

Complaint No.WBRERA/COM000669

Subhashis Das..... Complainant

Vs.

DTC Projects Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 <u>20.03.2025</u>	<p>Complainant (Mobile – 9830743743, email – subhashis522@gmail.com) is present in the physical hearing today and signed the Attendance Sheet.</p> <p>Legal Manager of the Respondent Promoter Company Mr. SumitKoley (Mobile – 7003895093, email – sumit.k@dtcgroup.in) and Advocate SohamBasu are present on behalf of the Respondent filing Authorization and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>Complainant has submitted a Reply on Notarized Affidavit dated 28.02.2025 to the Written Response of the Respondent dated 23.03.2024, as per the last order of the Authority dated 11.02.2025, which has been received through email on 28.02.2025.</p> <p>Let the said Reply of the Complainant be taken on record.</p> <p>The Complainant was allotted unit no.F13 in tower 10 at DTC Capital City Rajarhat Project vide booking letter dated 11.07.2023. He has paid total amount of Rs.6,22,783/- in this regard. As alleged by the Complainant, from November 2022 to November 2023, the Respondent has not been able to provide the necessary title documents establishing the devolution of title prior to 2019, so he has cancelled / withdrawn from the booking and wanted refund of the entire amount of Rs.6,22,783/- from the Respondent.</p> <p>The Respondent stated that they are ready to cancel the allotment subject to forfeiture of the booking amount as per clause 7 of the ProformaAgreement for Sale provided in the Annexure – ‘A’ of the West Bengal Real Estate (Regulation and Development) Rules, 2021, under the heading ‘Cancellation by Allottee’, where it has been provided that if any Allottee proposes to cancel / withdraw from the project without any fault of the Promoter, the Promoter is entitled to forfeit the</p>	

booking amount paid for the allotment. The balance amount of money paid by the Allottee shall be returned by the Promoter to the Allottee within 45 days of such cancellation.

Complainant strongly denied that there was no fault on the part of the Promoter. He stated that the Respondent Promoter failed to provide Title Documents before the year 2019 which is very much essential for grant of the Home loan as 13 years title documents are generally required in this regard.

Complainant stated that the IDBI Bank Limited informed him that the bank will not process the Housing Loan of the Complainant on the ground of non-submission of title documents and title report before the year 2019 as because for sanctioning of home loan atleast 13 years of Title Reports are required.

Complainant at the time of hearing also pointed out that by a letter dated 01.11.2023, Mr. Sourav Seth, Manager Post Sales of the DTC Projects Pvt. Ltd informed the Complainant the following:-

“As discussed with your panel Advocate MD Minhazuddin without 30 years Title Report he will not process any further and the same has already been submitted to IDBI Bank. Now you will discuss with your bank for further process.

As earlier discussed with you several banks like Punjab National Bank, Bank of Baroda, UCO Bank, Bank of Maharashtra, Indian Bank, LIC HFL, HDFC Bank, ICICI Bank and Bajaj Fin.serv have already been approved. If you wish please co-ordinate with respective bank personnel for smooth and hassle free loan processing.”.

From the above document, it is crystal clear that the Respondent has failed to provide title documents to the IDBI Bank Limited before the year 2019 and therefore the IDBI Bank Limited has not sanctioned the loan of the Complainant. For this ground the Complainant has withdrawn from the project and requested for cancellation of the Allotment and refund of the principal amount paid by him.

The Authority is of the considered opinion that there is fault on the part of the Promoter and he failed to provide necessary Title Report and Title Documents prior the year 2019 which is very much essential for sanctioning of home loan, atleast 13 years of Title Report is required for sanctioning of Home Loan. Being an employee of IDBI Bank Limited, he has every right to take the loan from IDBI Bank itself as he will get loan from the said bank with a less interest rate. As the IDBI Bank has not approved the home loan as the Respondent failed to provide necessary title documents as mentioned above, therefore, the Complainant has every right to withdraw from the project and get refund of the amount paid by him as per clause 7 of the proforma Agreement for Sale at Annexure – ‘A’ of the West Bengal Real Estate (Regulation and Development) Rules, 2021 under the heading ‘Cancellation by Allottee’ and no amount shall be forfeited by the Respondent as there is fault on the part of the Respondent Promoter Company.

Hence, it is hereby,

ORDERED

That the Respondent shall refund the Complainant, the Principal Amount of **Rs.6,22,783/-** paid by the Complainant within **45 days** from the date of receipt of this order of the Authority through email by bank transfer to the bank account of the Complainant and after the refund and cancellation of the allotment, the Respondent is at liberty to allot the flat to any other person.

The Complainant shall provide his bank account details to the Respondent by email within **3 days** from the date of receipt of this order of the Authority through email.

If the Respondent fails to make the payment within the stipulated period, as directed above, then Complainant is at liberty to file an Execution Application as per Execution Regulation uploaded in the WBRERA website under the heading 'Act/Rules/Regulations'.


With the above directions, the matter is hereby disposed of.

Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority