

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

Complaint No.WBRERA/COM-000010

Anil Agarwal

..... Complainant

Vs

Ideal Real Estates Pvt. Ltd.

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 24.02.2023	<p>Mr. Dewesh Agarwal son as well as Authorized Representative of the Complainant Mr. Anil Agarwal is present in the online hearing filing Authorization through email.</p> <p>Respondent is absent despite due service of notice.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant submitted at the time of hearing that he booked a flat in the project named 'Ideal Exotica' of the Respondent in the year 2014. He was allotted flat bearing No. 9A at 9th Floor, Block-E admeasuring 2617 Sq.ft., built-up area approximately. The provisional Allotment Letter was issued on 11th July, 2014. The said flat was of the consideration value of Rs.4,03,47,497/- (Rupees four crores three lakhs forty seven thousand four hundred ninety seven only) as per the Agreement for Sale. The Agreement for Sale was executed on 4th August, 2014. The possession of the said flat was scheduled to be handed over within 31st June, 2016 with a grace period of further 12 (twelve) months.</p> <p>The Respondent has miserably failed to handover the possession of the flat till date.</p>	

The Complainant had issued a Demand Notice dated 18/01/2020 to the Respondent asking for cancellation and refund of the amount paid by him as well as interest and compensation thereon. He also stated that the said flat has been sold to one Mr. Dipak Daga (9831158874), possession has also handed over to him and Deed of Conveyance was registered on 14.09.2021 (Deed No. 160207610).

The Complainant prays before the Authority for refund of Rs.3,07,99,164/- (Rupees three crores seven lakhs ninety nine thousand one hundred sixty four only) paid by him in lieu of the said flat along with interest @12% (twelve percent) per annum.

After hearing the Complainant, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested photo copy of supporting documents, if any, and send the original affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 7 (Seven) days from the date of receipt of this order through email.

The Respondent is directed to submit his Written Response regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested 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 7 (Seven) days from the receipt of the Affidavit of the Complainant.

The Complainant is further directed to submit his Reply/Rejoinder, if any, on a Notarized Affidavit and send the original affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 7 (Seven) days from the date of receipt of the Affidavit of the

Respondent.

The Respondent is further directed to submit their Written Response within the stipulated time period positively and appear on the next date of hearing in this matter, failing which, the Authority may proceed for ex-parte hearing of this matter.

Fix **30.03.2023** for further online 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