

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

Complaint No. WBRERA/COM000269

Sulekha Das & Subrata Das..... Complainants

Vs

M/s N.K. Construction..... Respondent no.1

Bharat Chandra Mondal..... Respondent no.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 28.06.2024	<p>Complainant (Mob. No. 7584809817 & mail Id:-sulekhadas957@gmail.com) alongwith her advocate Mr. Indrajit Singh is present in the physical hearing today and signed the Attendance Sheet.</p> <p>Advocate Swakshar Kumar Mondal (Mobile no. 9831217393 and email id – bharatchandramondal196931@yahoo.com) is present on behalf of the Respondent in the physical hearing today filing vakaltnama and signed the Attendance Sheet.</p> <p>Complainants submitted Notarized Affidavit dated 30.04.2024, containing their full submission regarding the Complaint Petition, as per the last order of the Authority dated 22.03.2024, which has been received by this Authority on 14.05.2024.</p> <p>Let the said Affidavit of the Complainants be taken on record.</p> <p>Respondent submitted Written Response on Notarized Affidavit dated 20.06.2024, as per the last order of the Authority dated 22.03.2024, which has been received by this Authority on 25.06.2024.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Heard both the parties in detail.</p> <p>Complainants stated at the time of hearing that they want the refund of the Principal Amount of Rs.10,00,000/- paid by her alongwith interest as per RERA Act as the Respondent failed to deliver possession of the flat booked by them within the scheduled timeline that is within 31.01.2020. As per the Agreement for Sale executed between the Complainants and the Respondent dated 30.07.2019, the delivery of possession of the said flat booked by the Complainants, completed in all respect and in habitable condition was scheduled to be delivered to the Complainants by the Respondent within 6 months from the date of Agreement for Sale executed on 30.07.2019 that is within 31.01.2020.</p> <p>Respondent prayed for 4 months time to pay the Principal Amount</p>	

alongwith interest as per RERA Act starting from July, 2024 ending with October, 2024 in 4 equal consecutive monthly installments.

Respondent also stated at the time of hearing that as they have failed to deliver possession of the flat to the Complainants therefore they have arranged rented premises for the stay of the Complainants and paying rent at rate of Rs.7,000/- per month and they have annexed a Rent Agreement executed on 01.03.2021 and registered on 08.09.2022.

The Respondent prayed for necessary order so that the total rent amount paid / to be paid by him shall be deducted from the interest amount to be paid by him to the Complainants.

Complainants also admitted that they are staying till date in the rented premises arranged by the Respondent from the year 2022 and Rent of Rs.7,000/- has been paid by the Respondent to the Landowner of the said rented premises in this regard, as per their information.


After hearing both the parties and after going through the Affidavits submitted by both the parties, the Authority is pleased hereby to give the following directions:-

- a) Respondent shall make payment of the Principal Amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) alongwith interest at the rate of SBI PLR + 2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realization, minus the total amount of rent paid by the Respondent from the year 2022 for providing the Complainants a rented premises as an alternative arrangement to them, in 4 equal consecutive monthly installments starting from **July, 2024** ending with **October, 2024** and the payment shall be made by bank transfer to the bank account of the Complainant; and
- b) The Complainants shall send their bank account details to the Respondent, in which they will receive the payments from the Respondent, by email, within 3 days from the date of receipt of this order of the Authority through email; and
- c) The Complainant shall vacate the rented premises provided by the Respondent positively within 15 days from the date of final payment by the Respondent.


If the Respondent fails to comply the above directions within the stipulated timeline, the Authority may impose penalty as per section 38 read with 61 of the RERA Act.

The Authority shall review the matter on the next date of hearing.

Fix **10.09.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority