

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

Complaint No.COM000041(erstwhile WBHIRA)

Abhishek Grover..... Complainant

Vs

Soumita Construction Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
07(Execution) 19.02.2024	<p>Vinit Sharma Advocate of the Complainant is present in the online hearing filing hazira and vakalatnama through email.</p> <p>The Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also through email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>The Advocate of the Respondent has sent an email communication today and stated that she is medically unfit and suffering from high fever and would not able to appear today in this matter requesting the Authority to allow some time or short date to appear in this matter.</p> <p>Let the email communication of the Advocate of the Respondent be kept on record.</p> <p>Considered and granted the prayer of the Advocate of the Respondent on medical ground.</p> <p>The Complainant submitted a Notarized Affidavit dated 03.02.2024, as per last order of the Authority dated 04.12.2023, which has been received by this Authority on 16.02.2024.</p> <p>Let the said affidavit of the Complainant be taken on record.</p> <p>In the said affidavit of the Complainant, the Complainant stated the present status of this matter and also stated the details of payments made by him and the refund already received from the Respondent.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant stated that he has made payment of total Principal Amount of Rs.9,43,861/-till date and he has received the amount of Rs.2,00,000/-from the Respondent Company as refund till date. He prayed for refund of the balance principal amount alongwith statutory interest at the earliest.</p>	

After hearing the Complainant, the Authority is pleased to direct the followings:-

- a) Respondent shall submit a Notarized Affidavit, stating the Refund Schedule therein and specifying the date and amount of the installments by which they will refund the Principal Amount paid by the Complainant alongwith interest, as per the Final Order of the Authority dated 13.08.2019 of the erstwhile WBHIRA Authority, and send the affidavit (in original) to the Authority, serving a copy of the same to the Complainant, both in hard and scan copies, within 15 days from the date of receipt of this order of the Authority through email; and
- b) The Respondent is hereby given the last chance/opportunity to submit the Affidavit, failing which, no more chance/time shall be given to him because as per this Authority reasonable opportunity of hearing has already been given to the Respondent to present their case and as per the provision of Section 29(4) of the RERA Act, 2016, the Authority is under the obligation to dispose any matter before it, as expeditiously as possible.
- c) If the Respondent remain absent even on the next date of hearing, this Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter in the interest of justice.

Fix **13.04.2024** for further 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