

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

Complaint No. WBRERA/COM 001531

Santosh Kumar Saxena Complainant

Vs

Ideal Aurum Nirman LLP Respondent 1


Exult Realty Pvt. Ltd. Respondent 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 18.02.2026	<p>Advocate Ms. Jiya Bose (mobile No:- 8777020614 and email id:- skakrania.co@gmail.com) along with Advocate Sadma Manzar is present in today's hearing physically by filing vakalatnama and signing the attendance sheet.</p> <p>Both the Respondents are absent in today's hearing, without any prior intimation, despite due service of hearing notice through email.</p> <p>Apart from filing complaint through online the complainant also submitted a hard copy of the complaint petition. The Complainants submitted an affidavit of service regarding serving of the copy of complaint petition to the Respondent, which is taken on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, he along with his wife Preeti Kumari booked a flat being flat no. 10D, 10th Floor, Block Celestial in the project "Ideal Aurum" of the Respondent and entered into an Agreement for Sale on 15.12.2017. Total consideration amount for the flat is Rs. 42,33,096/- out of which the complainant has paid Rs. 38,30,000/- including GST wrongly charged at 12% instead of 5%. As per Agreement for Sale possession of the flat had to be given to the complainant by 30th June, 2021. But till date the respondent could not handover the possession of the same to the complainant. In addition to it a lot more works are to be completed by the Developer, for which, the Complainant is highly suffering.</p> <p>The Learned Advocate appearing for the complainants prayed for handing over the possession of the flat along with all the amenities and facilities as per the Agreement for Sale, Registration and compensation for financial and emotional losses. The Complainant further prays for refund of excess GST amounting to Rs. 2,64,568.5/- wrongly levied.</p> <p>The Complainant further prayed for an ad-interim order restraining the Respondents from creating any third party rights or transferring any interest in his booked Flat until the final adjudication of this complaint.</p>	


After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions: -

- A. Let Smt. Preeti Kumari be recorded as Joint-Complainant in this complaint petition.
- B. The Complainants are directed to submit their total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to Respondent No.1 &2, both in hard and soft copies, within **21(twenty)** days from the date of receipt of this order of the Authority by email.
- C. The Respondent No.1 &2 are hereby directed to submit their Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **21(twenty)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.
- D. All the Respondents are directed not to disturb the possession of the flat of the Complainant, being Allottee of the same till disposal of this matter or until further order, whichever is earlier. In no way the rights and interest of the Complainant being the Allottee shall be hampered as per provision of Real Estate (Regulation and Development) Act, 2016. Respondents shall not create any third party rights or transfer any interest in respect of the flat booked by the Complainant till disposal of the complaint matter.

Fix **after 8 weeks** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority