

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

Complaint No.WBRERA/COM000489

Prasant Gupta..... Complainant

Vs

Soumita Construction Pvt. Ltd.....Respondent No.1

Fairland Development India Limited.....Respondent No.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 21.08.2024	<p>Advocate Prithwish Roy Chowdhury (Mobile - 8240168628, email - roychowdhuryprithwish@gmail.com) is present in the online hearing on behalf of the Complainant filing hazira through email.</p> <p>Advocate Masooma Khan is present in the online hearing on behalf of the Respondent No. 1 filing hazira and Authorization through email.</p> <p>The Complainant submitted a Notarized Affidavit dated 22.03.2024, containing his total submission regarding this Complaint Petition, as per last order of this Authority dated 31.01.2024, which has been received by this Authority on 24.04.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>The Respondent submitted a Written Response on Notarized Affidavit dated 19.08.2024, to the Complaint Petition and affidavit of the Complainant, as per last order of the Authority dated 31.01.2024, which has been received by this Authority on 20.08.2024.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Heard both the parties in detail.</p> <p>The Advocate of the Respondent No.1 stated that the Complainant has not sent a copy of his Affidavit to the Respondent No.2 and she argued that Respondent no.2 is also liable to make payment of the refund amount. She also stated that she has offered the Complainant in her Affidavit the proposal for taking alternative flat.</p> <p>At the time of hearing the Complainant refused to take any alternative flat from the Respondent.</p> <p>After hearing both the parties, the Authority is hereby pleased to give the</p>	

following directions:-

- a) The **Complainant** shall send a copy of his Affidavit to the Respondent No. 2, both in hard and scan copies, within **03 (three) days** from the date of receipt of this order of the Authority through email; and
- b) The **Respondent No. 2** is 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 copy of 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 scan copies, within **15 (fifteen) days** from the date of receipt of the Affidavit of the Complainant, either by post or by email, whichever is earlier; and
- c) The **Complainant** shall submit a Rejoinder/Reply on Notarized Affidavit, to the Written Response of the Respondent No. 1 and Respondent No. 2, within **15 (fifteen) days** from the date of receipt of the Affidavit from Respondent No. 2, either by post or by email, whichever is earlier; and
- d) The Complainant is further directed to state in his Reply/Rejoinder on Affidavit that whether the liability of Refund will be divided between the Respondent No. (1) and (2), as alleged by the Advocate of the Respondent No. 1 today at the time of hearing, or Respondent No. (1) and (2) will be jointly and severally liable in payment of the refund amount, the Complainant has to substantiate this matter with legal provisions and judgment(s), if any.

Fix **07.01.2025** for further hearing and order.

sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be True Copy

sd/-

21.08.2024

Special Law Officer

West Bengal Real Estate Regulatory Authority