

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

Complaint No. WBRERA/COM000563

Radheshyam Pancharia..... Complainant

Vs.

Seema Pandey..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 23.11.2023	<p>Ms. Moumita Kumar is present in the online hearing on behalf of the Complainant filing hazira &amp; authorization through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice through speed post and also by email.</p> <p>Let the copy of the track record of the hearing notice of the Respondent be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainant is that, the Respondent i.e. allottee of Seema Pandey has booked an apartment, bearing No. 4-13E, in the project of '<b>One 10 Phase I</b>' for a consideration amount of Rs.84,46,049/-with applicable GST and other charges. The Agreement for Sale was executed between the Complainant and the Respondent on 07.07.2020. As per demand the Complainant, the Respondent i.e. allottee has paid Rs.60,93,183/-against the said apartment from time to time to the promoter company. But the Allottee i.e. Respondent did not payment from the last one year. The promoter has raises their demands and give reminders and requests to the Allottee for making payments but she has failed to make the payments. There is a due of Rs.34,03,757/-with application interest for non-payment and the promoter company also issued termination letter to the Allottee on 12.01.2023.</p> <p>In this Complaint Petition the Complainant i.e. promoter company prays before the Authority are given below:-</p> <ol style="list-style-type: none"><li>1. To cancel the allotment of the allottee.</li><li>2. To forfeit the cancellation charges.</li><li>3. To forfeit any interest as per accrued or levied on him.</li><li>4. To claim damages accrued to the developer for non-payment of dues.</li></ol>	

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:-

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of this order through email.

The Respondent i.e. Allottee of Seema Pandey is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft 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.

The Respondent i.e. Allottee of Seema Pandey is further directed to settle the issues between them by mutual discussion and if they arrive at a mutual consensus they will submit a Joint Notarized Affidavit to the Authority signed by both the parties and send the Affidavit to the Authority, within 15 days from the date of receipt of this order of the Authority by email.

Fix **08.01.2024** 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