

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

Complaint No. COM000560 (erstwhile WBHIRA)

Rupa Das..... Complainant

Vs.

M/s. Cancun Construction..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 03.08.2023	<p>Prasanta Kumar Das, husband of the Complainant is present in the online hearing filling hazira 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 track record of the due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complaint Petition, the Complainant had booked Flat No. 1 of approx 919 sq.ft. built up area in Block "C", on the 6th floor along with one covered parking space in the project named as "Skylark" situated at Mouza - Chakapachuria, P.O. Chakapachuria, P.S. New Town, Kolkata 700 150 of the Respondent Company and he paid total amount of Rs.13,90,000/- (Rupees thirteen lakhs ninety thousand only) to the Respondent. The Agreement for Sale was executed between the two parties on 16.08.2017. As per Clause 10.5 of the Sale Agreement, the scheduled date of delivery of possession of the flat was 36 months from the date of execution of the Agreement for Sale i.e. within 15.08.2020. Till date the project has not been completed. In fact, even the plinth construction of Block-C has</p>	

not yet been started and no active work has been carried out at the site for over a year now. The Respondent failed to give delivery of the possession of the flat within the scheduled time-line as agreed between the parties.

The Complainant prays for the relief of refund of the principal amount of Rs.13,90,000/-(Rupees thirteen lakhs ninety thousand only) paid by him along with interest.

After hearing the Complainant, the Authority is hereby pleased to admit this matter for further hearing and order and give the following directions:-

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith self-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 Complainant is further directed to make a prayer in his affidavit to include '**India Bulls**' who was the Marketing Agent in this transaction as Respondent No. 2 in this Complainant Petition.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith authenticated 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.

Fix **12.09.2023** 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