

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

Complaint No. WBRERA/COM000195

Shyamal Mazumder Complainant

Vs.

Tiru Fine Residency LLP.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 <u>04.09.2023</u>	<p>Advocate Kaushik Goyal & Aayushi Agarwal are present in the online hearing on behalf of the Complainant filing hazira through email. They are directed to send their vakalatnam through email immediately after today's hearing.</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 due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail</p> <p>As per the Complainant he has booked a residential flat bearing flat no. B409 with carpet area of 734 sq.ft. and built up area of 837 sq.ft. on the North-West side of Block-B of the Housing Complex named as 'PRANA' of the Respondent Company. The total cost of the flat was Rs. 26,70,400/-. The Agreement for Sale was executed between the two parties on 29.06.2018 and date of completion was not mentioned in the Agreement. As per Agreement for Sale till 20.10.2021 he has paid total amount of Rs.12,15,040/-(Rupees twelve lakhs fifteen thousand forty only) in favour of the Respondent. Thereafter the construction was stopped due to some dispute with the others partner and he decided to stop further payment and he told the Respondent that only after resumption of the construction work he shall make further payment.</p> <p>The Complainant suddenly received a letter from the Respondent Company on 17.02.2022 stating that the agreement dated 29.06.2018 has been cancelled referring to previous letter dated 14.01.2022 issued to the</p>	

Complainant, which was never received by the Complainant. As per the Complainant no prior notice was issued before cancellation of the Agreement by the Respondent Company. Thereafter the Complainant tried to contact the partners of the Respondent Company i.e. Sri. Gobind Garg and Shri. Saurav Garg but they seemed adamant to cancel the flat. The Complainant was threatened, harassed and was forced to sign a letter dated 07.07.2023 accepting the cancellation with assurance that the entire amount paid by the Complainant will be refunded to him. The Respondent never refunded any amount to the Complainant till date therefore the flat booked by the Complainant should remain in the name of the Complainant and the Complainant is ready and willing to pay the remaining amount and complete the registration.

The Complainant prays for the following relief before the Authority :-

- a) Direct the Respondent to complete the construction of the above mentioned project and execute and register the Sale Deed in favour of the Complainant.
- b) Order of Compensation of Rs. 3,00,000/-for delay in the Registration and handing over the possession, Rs. 2,00,000/- for causing mental agony to the Complainant and Rs. 25,000/- for the legal expenses that the Complainant had to incur.

After hearing the Complainant, the Authority is 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 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 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.

Fix **02.11.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority