

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

Complaint No. WBRERA/COM 001563

Merlin Projects Limited Complainant

Vs

Ms Supriya @ Supriya Beltharia and Swarup Mukherjee Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 22.04.2026	<p>Smt. Deepa Das (mobile no:- 9836301188 and email id:- deepa.das@merlinprojects.com) and Ms. Prachi Gourisaria (email id:- prachi.gourisaria@merlinproject.com) being Authorized Representatives of the Complainant Company present in the hearing physically by filing hazira, authorization and signed the attendance sheet</p> <p>Respondent is absent in the hearing, without any prior intimation, despite due service of the hearing notice through email.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant stated that the Respondents have applied for allotment of a flat in the project "The Merlin Rise Sports Republic Phase-1A" on 25.07.2022 and was allotted an Apartment, Being No. 22B, Block B5 in the said project on 03.09.2022 for a total consideration of Rs. 58,48,524/-(excluding taxes). An Agreement for Sale dated 11.08.2023 was registered before Additional Registrar of Assurance-IV, Kolkata in favour of the Respondents. The Respondents have paid a total sum of Rs. 28,34,960/-(including taxes) out of the total consideration and out of the total demand raised for Rs. 39,17,398/-. But after that the Respondent stopped making payments in spite of several communications. Due to no response received from the Respondent the Complainant finally sent a 30(thirty) days notice dated 25.02.2025 for clearing the outstanding dues as per the Agreement for Sale. However, no positive response and/or any further payment have been received from the Respondent. As a good will gesture further 10(ten) days time was given to the Respondent to clear their outstanding dues vide termination notice, dated 10.04.2025. It was mentioned that in the event of Respondent failing to clear the outstanding dues the Agreement for Sale shall stand terminated.</p> <p>Complainant further stated that an amount of Rs. 10,82,438/- (including taxes) along with an interest amount of Rs. 1,07,932.10/- is payable by the Respondent.</p>	

The Complainant prayed for the reliefs:-

- a) A declaration that the Agreement for Sale dated 11.08.2023 being no. 190411840 for the 2023 is void initio, invalid and unenforceable due to the Respondent's failure to fulfill its financial obligations under the Agreement.
- b) An order for cancellation of the said Agreement for Sale.
- c) A perpetual injunction restraining the Respondent, its agents or assigns from acting upon or enforcing the said Agreement.
- d) A temporary injunction restraining the Respondent from relying upon the said Agreement pending final adjudication of the dispute.
- e) An order directing the respondent to pay the outstanding dues along with applicable interest.
- f) Any other relief this Hon'ble Authority may deem fit and proper in the circumstances.

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 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 the Respondent, both in hard and soft copies, within **14 (fourteen)** days from the date of receipt of this order of the Authority by email.

Complainant is also directed to submit an affidavit of service on the next date of hearing before the Authority and is further directed to serve a copy of the Authority order and the notice for the next hearing date to the Respondent through email and through speed post whichever is earlier.

The Respondent 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 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 **14 (fourteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **04.06.2026** for further hearing and order.


(JAYANTA KR. BASU)

Chairperson
West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member
West Bengal Real Estate Regulatory Authority