

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

Complaint No. WBRERA/COM (physical) 000253

Mr. Abhishek Roy and Mrs. Suparna Chakrabarty Roy Complainant

Vs

Mr. Lalit Kumar Bhutia Respondent 1

Mr. Shyam Kumar Kedia Respondent 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 20.08.2025	Complainant is present in the hearing through online mode. Advocate Arcoh Chatterjee along with (mobile no:- 84203783665 and email id :- arcoh.adv@gmail.com), Smt Gargi Debnath (mobile no:- 6289435705 and email id :- legaldept@thegemsgroup.in), the Legal Officer of the Respondent Company are present in the hearing today physically filing hazira and vakalatnama and signed the attendance sheet. Heard the Complainant in detail. As per the Complainant he booked a Flat on Flat no. 4J, Tower ZT-1, 4th floor at GemsCity, Mouja-Nowabad, by a registered Deed of Agreement for Sale on 18.02.2020 but the Respondent company could not delivered the possession of the said flat within the scheduled time as per Agreement for Sale and due to slow progress of construction work of the said flat they cancelled the Agreement for Sale but till date they did not receive back the full principal amount along with interest. The Complainant prays for refund of full principal amount along with interest. The Learned Advocate appeared on behalf of the Respondent stated that they received Rs. 9,08,847/- from the Complainant towards the consideration amount of the flat. But the Complainant himself cancelled the booking without any fault on the part of the Respondent Company and they refunded Rs. 8,50,965/- to the Complainant after deducting the booking amount as per Agreement for Sale. He also stated that Agreement for Sale execute with the Complainant has also been cancelled through registered Deed with signature of the Complainant. At this stage the Complaint petition is not maintainable before the Authority as per the provisions of the Real Estate (Regulation and Development) Act, 2016. After hearing both the parties the Authority is hereby pleased to 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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

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 **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

After receiving the Affidavits from both the Complainant and the Respondent, the matter of admissibility and proceed for further hearing will be decided.

Fix **after 6(six) weeks** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority