

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

Complaint No. WBRERA/COM000683

Sayantani Ghosh..... Complainant

Vs

Soumita Construction Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 14.05.2024	<p>Advocate Vinit Sharma is present in the online hearing on behalf of the Complainant filing hazira and vakalatnama through email.</p> <p>Legal Executive Masooma Khan is present on behalf of Respondent Company filing hazira and authorization through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant she has booked a flat being No. 3E on the 3<sup>rd</sup> floor, Tower-4, having total area of 702 sq.ft. (approx.) and other facilities, in the project named as '<b>THE COUNTY</b>' Phase 1B, at Mouza-Daulatpur, P.S.-Bishnupur, Kolakta - 700 104 and has paid the total amount of Rs.12,30,276/- to the Respondent Company out of total cost of the flat Rs.14,63,704/-.</p> <p>That by cheque dated 28.01.2023 being no. 32068181 the amount of Rs.14,45,000/- have been paid and by cheque dated 18.02.2013 being no. 32068182 the amount of Rs.44,650/- has been paid through the joint account in UBI, New Alipore Br., of Shubhadeep Ghosh and Sayantani Ghosh, Complainant herein. That the out of total amount paid, an amount of Rs.2,59,374/- has been shifted to the flat no. 4F, Tower-11 which is allotted in the name of Mr. Shubhadeep Ghosh.</p> <p>That an allotment letter on 01.07.2014 has been issued and an agreement for sale dated 29.12.2014 has been signed by and between the parties.</p> <p>That the Respondent Company represented that all necessary permission for construction has been secured and delivery of possession will be done within time of 42 months from the commencement of project. But the Respondent</p>	

Company has failed to handover the possession of the said Unit. That the Complainant has visited the site on 25.03.2023 and found that only the piling and foundation works is done though more than 10 years has been passed from receiving the substantial consideration amount. The project has been miserably delayed for which the complainant has suffered miserably.

That the Complainant fears that company might have misappropriated their hard earned money for own benefit. Therefore, the Complainant seeking refund of the principal amount of Rs.12,30,276/-alongwith the interest therein.

The Complainant prays before the Authority for the following relief(s):-

1. Direction upon the Respondent to refund outstanding principal amount of Rs.12,30,276/-.
2. Direction upon the Respondent to pay interest at the rate of SBI PLR +2% p.a. till the realization of full refund from the date of each payment of Rs.12,30,276/-

After hearing both the parties, 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:-

Both the parties are directed to take initiative and try for a mutual settlement of the issues between them after physical inspection of the flat booked by the Complainant and/or flat(s), if any, proposed by the Respondent in alternative to the flat booked by the Complainant, within 15 days from the date of receipt of this order of the Authority through email and if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both, containing the terms and conditions of the mutual settlement, and send it to the Authority within 30 days from the date of receipt of this order of the Authority through email.

If they fail to arrive at a mutual settlement then they shall submit separate Affidavit(s) as per the directions given below:-

The Complainant is directed to submit her 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 after expiry of 30 (thirty) days from the date of receipt of this order of the Authority by 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/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.

Fix **23.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)  
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority