

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

Complaint No. WBRERA/COM000684

Shubhadeep 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 in the month of January 2013, the Complainant was allured by a representation of the Respondent in the project "The County". That it will be Kolkata's first Disney themed Residential project which will provide Disney themed living and a fairy tale life alongwith landscape facilities plan such as Entry Guardhouse, Entry Disney Tower Feature, Mini Disney Castle, Mickey Mouse Berm, etc.</p> <p>That as per their representation the Complainant has booked a flat being No. 4F on the 4th floor, Tower-11, alongwith other facilities, in the project "The County" at Mouza-Daulatpur, P.S. Bishnupur, Kolkata - 700 104 and has paid the total amount of Rs.13,15,850/-to the Respondent Company.</p> <p>That by cheque dated 24.01.2024 being no. 32068192 the amount of Rs.10,34,004/-have been paid and by cheque dated 14.08.2014 being no. 12001645 the amount of Rs.22,472/-has been paid. That the out of total amount paid an amount of Rs.2,59,374/-has been shifted to the flat no. 4F, Tower-11 from booking amount collected in regards to flat being no. 3E on the 3rd floor, Tower-4, in the project 'The County' Phase 1B which is allotted in the name of Sayantani Ghosh (wife of the Complainant).</p> <p>Thereafter an Agreement for Sale dated 21.06.2016 was been signed</p>	

between the parties.

That there was no progress in the said tower, hence Respondent have shifted the Complainant to the flat no. 4D, on the 4th floor, Tower-1, Phase -1A, in the project "The County" and the booking amount have been shifted to the said flat.

That an allotment letter on 14.04.2017 has been issued and agreement for sale dated 28.06.2017 has been signed by and between the parties.

That the Respondent Company represented that project will be first Disney project and delivery of possession will be done within time of 42 months from the commencement of project. But the Respondent Company has failed to handover the possession of the said Unit but 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.

By letter dated 22.03.2022, the Respondent represented that the project will be completed in 2022. Again letter dated 09.12.2022, the Respondent represented that the project will be completed in 2nd quarter of 2023 but failed.

Hence, the Complainant is now seeking refund of the principal amount of Rs.13,15,850/- 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.13,15,850/-.
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.13,15,850/-

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

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