

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

Complaint No.WBRERA/COM000218

Moonmoon Saha and Sudipta Kumar Saha..... Complainants

Vs

MKHS Housing LLP..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
06 18.09.2024	Advocate Vinit Sharma is present in the online hearing on behalf of the Complainants filing hazira and vakalatnama through email. Respondent is absent in the online hearing, without any intimation, despite due service of hearing notice to the Respondent through speed post and also by email. Let the track record of due service of hearing notice to the Respondent be kept on record. Heard the Complainant in detail. The Complainant stated at the time of hearing that no reply has been received from the Respondent Promoter Company as directed in the last order of the Authority dated 24.06.2024. The Complainant prayed for necessary order as per the relief claimed by him in the Complaint Petition and in their Affidavit. After hearing the Complainant and examination of the documents and affidavits submitted by both the parties and placed on record, this Authority is of the considered opinion that reasonable opportunity of hearing and sufficient time has been given to the Respondent to submit Reply against the Rejoinder of the Complainant dated 10.05.2024, on his request on the last date, but he completely ignored and failed to comply the last order of the Authority. The Respondent is also absent today in the online hearing, without giving any intimation, therefore, the Authority is of the opinion that it has no other option but to proceed with ex-parte hearing and disposal of this matter today, on the ground of speedy disposal of justice, as per Section 29(4) of the Real Estate (Regulation & Development) Act, 2016. The Respondent failed to deliver the possession of the flat to the Complainant within the scheduled timeline as per the Memorandum of Understanding (MoU) executed between the parties on 22.04.2014, therefore, as per Section 18 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, the Respondent is liable to refund the total Principal amount paid by the Complainant alongwith interest @ SBI PLR+2% per annum.	

for the period, from the dates of respective payments made by the Complainant till the date of realization, within a period of **45 (forty-five)** days from the date of receipt of this order of the Authority through email.

Hence, it is hereby,

ORDERED,

that the Respondent shall Refund the Principal amount of **Rs.3,90,170/- (Rupees three lakhs ninety thousand one hundred seventy only)** alongwith interest @ **SBI PLR +2% per annum**, for the period, from the respective dates of payments made by the Complainant till the date of realization, within a period of **45 (forty-five)** days from the date of receipt of this order of the Authority through email and all the payments shall be made by **bank transfer** to the bank account of the Complainant.

The Complainant shall send his bank account details to the Respondent within **3 (three)** days from the date of receipt of this order of the Authority through email.

If the Respondent fails to comply the order within **45 (forty-five)** days as directed hereinabove, the Complainant is at liberty to file an **Execution Application** before this Authority, on a plain A4 paper, annexed therewith a copy of this order of the Authority, after the expiry of **45 (forty-five)** days as stipulated above, serving a copy of the same to the Respondent.

With the above directions the matter is hereby disposed of.

Let copy of this order be served to both the parties through speed post and also by email immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority