

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

Complaint No.WBRERA/COM-000054

Govinda Kushari and Swati Kushari ..... **Complainants**

Vs.

Bengal Shelter Housing Development Limited..... **Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
02 26.05.2023	<p>Complainants are present in the online hearing filing hazira through email.</p> <p>Shri. Prasenjit Ganguli is present in the online hearing on behalf of the Respondent being the Senior General Manager, Marketing, as well as the Authorized Representative of the Respondent Company filing hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>A Memorandum of Understanding (MoU) has been executed between the parties which has been sent to the Authority by the Respondent by email dated 03.05.2023 containing the terms and conditions of the mutual settlement arrived at between the parties as per the last order of the Authority dated 20.04.2023.</p> <p>Let the MoU received by the Authority by email be taken on record.</p> <p>After perusal of the MoU, the Authority took serious exception to the fact that there is a condition precedent given by the Respondent that this Complaint Case shall be withdrawn by the Complainant before the completion of the refund process.</p> <p>It is very shocking that, the Respondent is doing a mutual settlement as per the order of this Authority in a Complaint Case and in that very settlement he is keeping a condition precedent that the said Complaint Case shall be withdrawn by the Complainant before completion of the refund process. It is against the law of the land and against the public policy and therefore, the condition precedent kept by the Respondent in the MoU is hereby rejected by this Authority.</p> <p>Also the MoU is not given on a Joint Affidavit form which is not also acceptable. But for the ends of justice and for giving speedy disposal of this matter, the Authority is taking a liberal view and hereby accepting the schedule of payment proposed by the Respondent in the MoU.</p>	

The Complainant at the time of hearing gave his consent to the schedule of refund proposed by the Respondent at the last page of the MoU and he confirmed that he has received the first installment of refund from the Respondent on 29.04.2023 by account payee cheque No.002339 amounting to Rs.5,43,758/-(Rupees five lakhs forty-three thousand seven hundred fifty eight) only.

The Respondent submitted at the time of hearing that he will refund the remaining Principal Amount along with interest as per the schedule proposed at the last page of the MoU.

Hence, it is hereby,

ORDERED,

that the Respondent shall make refund of the remaining Principal Amount along with interest as per the following Schedule as provided below:-

**MEMO OF REFUND**

Date	A/c payee Cheque No.	Bank & Branch	Amount (Rs.)
29.04.2023	002339	Karur Vysya Bank, Salt Lake, Sector-I	Rs. 5,43,758/-
29.05.2023	002340	Karur Vysya Bank, Salt Lake, Sector-I	Rs. 5,43,758/-
29.06.2023	002341	Karur Vysya Bank, Salt Lake, Sector-I	Rs. 5,43,758/-
29.07.2023	002337	Karur Vysya Bank, Salt Lake, Sector-I	Rs. 4,34,442/-
		TDS deducted	Rs. 1,09,316/-


Total = Rs. 21,75,032/-


The Respondent shall provide the TDS Certificate of Tax deduction of Rs. 1,09,316/- as mentioned in the above table to the Complainant within August, 2023.

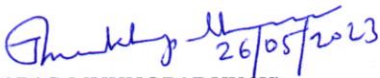
If the Respondent fails to comply this order of the Authority, the Complainant shall be at liberty to file execution application before this Authority.

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

With the above directions the matter is hereby disposed of.

  
(SANDIPAN MUKHERJEE)  
Chairperson  
West Bengal Real Estate Regulatory Authority

  
(BHOLANATH DAS) 26/5/2023  
Member  
West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)  
Member  
West Bengal Real Estate Regulatory Authority