

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

Complaint No.WBRERA/COM000572

Priyanka Ganguly and Indra Narayan GangulyComplainants

Vs

Merlin Projects Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 ----- 16.05.2024	<p>Complainants are present in the online hearing filing hazira through email.</p> <p>Smt. Deepa Das (Mob. No. 9836301188 & email Id - deepa.das@merlinprojects.com) and Smt. Samanya Sengupta, being Authorized Representatives of the Respondent, are present in the online hearing on behalf of the Respondent filing hazira and authorization through email.</p> <p>The Complainant submitted notarized affidavit dated 01.02.2024, as per last order of the Authority dated 19.01.2024, containing their full submission regarding this Complaint Petition, which has been received by this Authority on 06.02.2024.</p> <p style="text-align: center;">Let the said affidavit of the Complainant be taken on record.</p> <p>The Respondent submitted Written Response on notarized affidavit dated 12.04.2024, as per last order of the Authority dated 19.01.2024, which has been received by this Authority on 06.05.2024.</p> <p style="text-align: center;">Let the said Written Response on notarized affidavit of the Respondent be taken on record.</p>	

Heard both the parties in detail.

The Complainant submitted that the Respondent had not taken any consent from the Allottees at the time of taking extension of the validity of the registration of the instant project from the WBRERA Authority. Even after taking the extension from the WBRERA, they have not informed the Allottees regarding the extension and therefore they have breached terms of the contractual Agreement with the Complainant.

The Respondent stated that the Hon'ble West Bengal Real Estate Regulatory Authority had provided extension to the validity of registration of the instant project named '**Merlin Verve**' for a period of 9 months from 31.03.2023 to 30.12.2023 by an order dated 03.07.2023 and in the said order this Authority had directed that,-

"This period of extension shall in no way affect the Right of the Allottee to claim for interest for delay and compensation for the period of delay in the completion of the project;"

The Respondent herein has filed an Appeal before the Hon'ble West Bengal Real Estate Appellate Tribunal vide APPEAL NO. WBREAT/APPEAL NO.- 02/2024 in which they have challenged the above mentioned order of the Authority dated 03.07.2023 to the extent of giving direction regarding payment of interest and compensation to the Allottees for the period for which the Authority had granted extension. Hon'ble West Bengal Real Estate Appellate Tribunal (WBREAT) by an order dated 12.04.2024 in the said Appeal No. WBREAT/APPEAL No.- 02/2024, in the matter of M/s. Merlin Projects Limited Vs. West Bengal Real Estate Regulatory Authority, has been pleased to order that, -

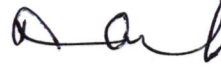
"The portion of the impugned Order to this effect 'this period of extension shall in no way affect the right of the Allottee to claim for Interest for delay and Compensation for the period of delay in completion of the project' is hereby set aside."

Therefore, as per the abovementioned order of the Hon'ble WBREAT dated 12.04.2024, the portion of the extension order of this Authority dated 03.07.2023, protecting the right of interest and compensation of the Allottee for the extended period, has been set aside.

Hence, it is hereby ordered that as per the order of the Hon'ble WBREAT dated 12.04.2024 in APPEAL NO. WBREAT/APPEAL No.- 02/2024, the Complainant-Allottee is not entitled to get any interest/compensation from the Respondent for the period of extension granted to the validity of registration of the project named 'Merlin Verve' by WBRERA Authority for a period of 9 months from 31.03.2023 to 30.12.2023.

With the above direction 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.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority