

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

Complaint No. WBRERA/COM000698-CP

Sayan Lahiri..... Complainant.

Vs.

Ashiana Construction. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
05 07.08.2025	The Complainant, Sayan Lahiri appeared online by filing hazira which should be kept in record. The Respondent, Ashiana Construction is represented by the Learned Advocate, Sanjay Bhattacharya who appeared online by filing hazira which should be kept in record. The Complainant spoke all the amenities as promised by the Respondent/Promoter in Agreement for Sale dated 28/09/2022 is yet to be provided with. The Complainant also submitted Application in Form 'N' before the Adjudicating Officer for seeking compensation for the following reliefs : "i. Timely Completion and Handover: A direction to the Developer to complete and deliver possession of the said apartments within the next 1-2 months. ii. Reimbursement of Interest paid due to delay; iii. Reimbursement of Travel and related expenses; iv. Reimbursement of Rental Expenses; v. Compensation for Professional Losses; and iv. Compensation for Mental Agony and Stress; Accordingly the complainant prays for the award of a penalty and compensation of Rs.12, 84,870/-." The Promoter/Respondent has not yet received C.C./O.C. and his registration No. HIRA/P/NOR/2019/000403 dated 12/04/2019 and further extension of 9 months has already elapsed on 30/9/2023 and presently the project is without registration Certificate from the Authority. The Respondent has delivered the possession of the two flats of the Complainant being Unit Nos. 67 and 68 vide possession letter dated 28/03/2024 and executed the Deed of Conveyance dated 28.03.2024 and the possession of the said two flats have already been taken by the Complainant. As the 9 months extension granted vide Memo No. 707-HIRA dated 29.05.2020 was granted till 30.9.2023 commencing from 01.01.2023 so as per the Clause 7.1 of the Agreement for Sale dated 28.09.2022 the nine months period extension due to 'Force Majeure' could not be taken as delay in delivery of possession, so there	

has been a delay of only six months from 30.09.2023 to 28.03.2024 for delivery of the flats to the Complainant. Thus the Complainant is entitled to have the compensation for delay of only six months from 30.09.2023 to 28.03.2024 for delivery of possession of the flats to the Complainant as per the provision of Section 18 of the Real Estate (Regulation and Development) Act, 2016. The rate of interest shall be the prime lending rate of State Bank of India plus two percent to be paid to the Complainant within 45 days .

The Respondent was show caused in the earlier Order No. 2 dated 08/05/2025 for why should not penalty be imposed for non-compliance under Section 61 and Section 63 of the RE(R&D) Act, 2016.

After hearing both the Parties, the Authority is pleased to give the following directions:-

a) The Respondent is hereby directed to complete the amenities as promised by him to the Complainant as mentioned in the Agreement for Sale dated 28.09.2022 within 6 months from the receipt of this Order; and

b) The Respondent is hereby directed to pay the Complainant interest for six months delay from 30.09.2023 to 28.03.2024 only during the handing over of the possession vide possession letter dated 28/03/2024 and execution of the Deed of Conveyance dated 28.03.2024 from the date committed by the Respondent while executing the Agreement for Sale dated 28/09/2022 with the Complainant excluding the statutory extension granted to the Respondent for nine months from 01/01/2023 to 30/09/2023 .

b) The Respondent has not abided by the provisions of the RERA Act 2016 and WBREDA Rules 2021 and is hereby imposed a penalty of Rs.10,00,000/- (Ten Lakhs) only to be deposited in the following Account within 15 (fifteen) days upon receipt of the instant order;

West Bengal Real Estate,
State Bank of India,
Account No. : 42520982210,
IFS Code : SBIN0014524.

c) Upon receipt of the compliance of the payment details as imposed upon the Respondent the instant matter will be further decided upon.

Fix after **8 (eight) weeks** for next hearing and order.



(JAYANTA KR. BASU)
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