

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

Complaint No. WBRERA/COM000718

Merlin Projects Limited Complainant

Vs

Sunil Sikaria & Anr..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 21.11.2024	Mrs. Deepa Das (Mob. No. 9836301188 & email Id: deepa.das@merlinprojects.com), being the Authorized Representatives of the Complainant Promoter Company, is present in the physical hearing filing authorization and signed the Attendance Sheet. Advocate Alok Banya Ghosh junior of Advocate Smt. Jayshree Saha (Mobile - 9831119081 & email Id: jaya.sahabhura@gmail.com) is present in the physical hearing today on behalf of the Respondent- Allottee, filing vakalatnama and signed the Attendance Sheet. Heard both the parties in detail. As per the Complaint petition, the Respondents Mr. Sunil Sikaria son of Late Madan Lal Sikaria and Mrs. Vina Sikaria wife of Mr. Sunil Sikaria have jointly agreed to purchase an Apartment being No. 8B, Block -Alya, in the Project "Merlin Avana" on 18.08.2022 for a total consideration of Rs.1,35,13,923/- (excluding taxes). That by virtue of a Registered Sale Agreement dated 28.06.2023, recorded in Book No. 1, Volume No. 1602-2023, Pages from 314788 to 314852, being Deed No. 160209324 of 2023, registered at the Office of District Sub-Registrar-II, South 24-Pags, the said Apartment was registered in favour of the Respondents. The said Respondents have paid a total sum of Rs.26,24,331/- (excluding taxes) out the total consideration, as mentioned above against the said Apartment till 27.06.2023 and thereafter stopped making payments in spite of several communications dated 28.08.2023, 12.10.2023, 27.10.2023, 11.11.2023, 14.11.2023 and 26.11.2023 as no response/remedy on part of the Respondents in compliance of the reminders we have finally sent a 30 days' notice dated 12.12.2023 for clearing the outstanding dues as per the said Agreement for Sale, however, no positive response and/or any further payment have been received from the Respondents in spite of the same. The Complainant prays before the Authority for cancellation of the Sale Agreement and Registration of the same before the concerned Registering Authority. The Advocate of the Respondent stated that one of his clients is suffering	

from cancer for which the Respondent faced difficulties in payment of the installments towards the flat. But the Respondents are still willing to purchase the flat clearing all the dues alongwith interest for which the Respondents prayed for some more time.

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:-

The Respondent shall submit their Notarized Affidavit in response to the Complaint Petition of the Complainant annexing therewith notary attested/self-attested copy of supporting documents, if any, and send the same in original alongwith a soft copy to the Authority, serving a copy of the same to the Complainant-Promoter Company, both in hard and scan versions, within **15 (fifteen)** days from the date of receiving this order of this Authority through email.

Fix **28.07.2025** for further hearing and order.


(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority