

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

Complaint No. WBRERA/COM000782

Surajit Kar and Sandhya Kar..... Complainants

Vs

M/s. Joy Majumder & Co..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 22.04.2025	<p>The Complainant alongwith his Advocate Mr. Chenoy Ceil (Mob. No. 9748072548 & email Id: advocatichenoyceil@gmail.com) is present in the hearing through online filling hazira through email.</p> <p>Advocate Mr. Bodhisattya Haldar (Mob. No.9804185323 & email Id: advocatbhaldar@gmail.com) is present in the hearing today physically on behalf of the Respondent filing Vakalatnama and signed the Attendance Sheet.</p> <p>Complainant submitted his Rejoinder Affidavit, which has been received by this Authority on 28.03.2025.</p> <p>Heard both the parties in detail.</p> <p>The Respondent stated that the Complainants booked their flat on B Block which was completed before 08.04.2022 and execution of Deed of Conveyance has been made between both the parties on 11.04.2022. But the Complainant is yet to pay the Respondent an amount of Rs.5,21,600/-, being final payment of the total consideration value of the said property for which the Respondent could not handover the possession of the said flat and car parking space to the Complainant.</p> <p>The Complainant agreed that the Execution of Conveyance Deed was made between the parties on 11.04.2022 but they did not make the payment as the Respondent did not provide the Completion Certificate of the project. Though contacted they have not provided the same till to date. Hence they prayed for refund of their investment.</p> <p>After hearing both the parties, the Authority is of the opinion that by virtue of Execution of Conveyance Deed on 11.04.2022 the Complainant has already become the lawful owner of the flat and car parking space booked by them and now being lawful owner of the property they cannot claim for refund of their invested amount. For getting the physical possession the Complainant must clear the payment of full consideration value of the flat and the car parking space by paying Rs.5,21,600/- as stipulated. However the Complainant is eligible to get copy of Completion Certificate from the Respondent as per provision of Agreement for Sale and also as per Real Estate (Regulation and Development) Act, 2016.</p>	

Now the Authority is pleased to give the following directions:-

The Complainant shall make the payment of Rs.5,21,600/- to the Respondent on receipt of which the Respondent shall also handover the physical possession of the flat and the car parking space to the Complainant alongwith copy of Completion Certificate and other relevant documents. The entire formalities shall have to be completed by both the parties within 3 (three) months from the date of receiving this order by speed post or email, whichever is earlier.

The Authority shall review the matter on the next date of hearing.

Fix **10.12.2025** further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority