

cum developer. The complainants paid proper stamp duty and registration fees of totaling Rs 1,54,900/-. The respondents assured the complainants that the possession of the said flat would be handed over within one months of sale of flat, when C.C / O.C shall be handed over and the complainants relied upon their statements and signed the said deed of sale dated 25-01-2018. The complainants requested several times to the respondents for delivery of possession of the said apartment no-401 but the respondents did not pay any heed to their requests. The complainants visited to the said building and to their utter surprise they came to know that their apartment was given to one Sankar Mukherjee who occupied the said flat and no completion certificate has been issued by the appropriate authority for unauthorised construction. Being highly aggrieved the complainants are filling this case for adjudication and for natural justice.

The Complainants pray for following reliefs before the Authority -

1. Directing the respondents to refund the full amount of consideration money of Rs 15,75,000/- paid by the complainants along with interest in terms of Rules 17 and 18 of WBRERA Rules, 2021 as they are no longer interested in having possession of the said used Flat no-401 and without C.C OR O.C
2. Directing the respondents to pay back the stamp duty and registration charges of Rs 1,54,900/- along with applicable interest.
3. Compensation for mental tension and agony suffered by the complainants and litigation cost as the Hon'ble Authority shall deem fit and proper
4. Cancellation of the Deed of sale dated 25-01-2018 by the Respondents at their own cost.

After hearing the Complainants, 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 Complainants is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested / self attested copy of supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the

same to the Respondent, both in hard and soft copies, within **15 (fifteen) days** from the date of receipt of this order through email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested / self attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **15 (fifteen) days** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Respondent is further directed to mention in his Affidavit the total no. of flats in the instant project, cost of each flat and whether they have taken registration for the said project with erstwhile WBHIRA or present WBRERA or not. If yes, he shall mention the registration number in the said Affidavit.

Fix **15.02.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHAY)
Member

West Bengal Real Estate Regulatory Authority