

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

Complaint No.WBRERA/COM 000848

Abhijit Mallik And Rupa Mallik ..... Complainant

Vs.

Bengal Sapoorji Housing Development Pvt. Ltd ..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 15.01.2026	<p>Complainant Abhijit Mallik (Mobile no:- 9830006626 and email id:- <a href="mailto:abhijitmallikkol@gmail.com">abhijitmallikkol@gmail.com</a> ) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Sanjukta Ray (Mob:- 9830248307 email :- <a href="mailto:sanjukray@gmail.com">sanjukray@gmail.com</a>) is present in the hearing on behalf of the Respondent through online mode by filing hazira through email.</p> <p>Respondent submitted a Supplementary Affidavit which has been received today.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainants, they have received the possession of the flat on 26.05.2025 and registration of Conveyance Deed has also been completed.</p> <p>The Respondent stated that registration of Deed of Conveyance has been completed on 26.07.2025.</p> <p>The Respondent submitted that as per GTC and Agreement for Sale there was no provision for payment of interest for the delay period on account of force majeure events that had stalled the housing project for almost two and half years.</p> <p>The Respondent also stated that the Complainants have taken peaceful possession of the Flat on 26.07.2025 without any objection and consented while taking possession for no claims and grievances against the Respondent. The Complainant has never demanded form the Respondent any amount of interest or compensation prior to lodging the instant complaint before this Authority and as such, the instant Complaint petition does not have any locus standi in raising the issue of interest of the Complainant, since no cause of action has been denied by the Complainant. Moreover, the instant project is under mass housing scheme</p>	

and should be exempted from paying such delay interest as the flats were sold at subsidized rate.

After hearing both the parties, the Authority is of the opinion that as per provision of Real Estate (Regulation and Development) Act, 2016 and the Rules made thereunder, the Promoter has certain duties and are liable to give possession of the Flat purchased by the Allottee within stipulated time as mandated in the Agreement for Sale. In this case, the Flat was scheduled to be handed over on 28.09.2022 and an extension of 9 months was allowed to all the ongoing projects by the Authority due to COVID 19. Thereby, extending the date of handing over up to June,2023. As per section 18 of Real Estate (Regulation and Development) Act, 2016, an Allottee is eligible to get interest from the Respondent due to delay in handing over the possession. Absence of non-provision of payment of delay interest in the Agreement for Sale does not absolve the Promoter ( herein the respondent) the right of the Allottee, which he is entitled as per provision of the section 18 of Real Estate (Regulation and Development) Act, 2016. Moreover, the Complainant has every right to file complaint before the Authority as per provision of section 31 of this Act as objected by the respondent during today's hearing of the instant complaint.

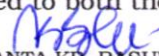
So, considering all this aspects the Authority is hereby pleased to give the following directions:-

- A. As per provision of section 18, of Real Estate (Regulation and Development) Act, 2016 read with Rule 18 of WBRERA Rules, the Respondent shall refund interest amount on the total Principal amount of Rs. **29,82,372/-** paid by the Complainant at the rate SBI PLR +2 per cent to be calculated from **01.07.2023 to 26.05.2025**, through bank transfer within **45(forty-five) days** from the date of receiving this order of this Authority by speed post or by email whichever is earlier.
- B. The Complainant shall send his bank account details within **five days** from the date of receiving this order through email.

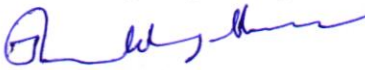
In case of non-compliance of this order of the Authority, the Complainant is at liberty to file an Execution Application before the Authority as per the Execution Regulation.

With this direction the matter is hereby disposed of.

Let copy of this order be served to both the parties immediately.

  
(JAYANTA KR. BASU)

Chairperson  
West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)

Member  
West Bengal Real Estate Regulatory Authority