

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

Complaint No. WBRERA/COM 001402

Priyanka Sony Complainant

Vs

Merlin Projects Limited Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 29.10.2025	Complainant Mrs. Priyanka Soni (email id:- priyankasony81@gmail.com) is present in the hearing today physically and signed the attendance sheet. Smt. Deepa Das (email id:- deepa.das@merlinprojects.com) being the Authorized Representative of Respondent Company is present in today's hearing through online mode by filing hazira and authorization through email. Heard both the parties in detail. As per the Complainant, she is a joint allottee along with her estranged husband Mr. Chandrashekhar Sony of Flat no.5G, Block 1, in the "Merlin Verve" Project at 233 BL. Saha Road, Kolkata - 700053. As per the Agreement for Sale possession was to be handed over by 2023. She has fulfilled her obligations by making 100% payment by full consideration amounting to Rs. 82,48,712/- including all taxes. Although the home loan was of Rs. 43,28,081/- (account no. LVCAL00004568034) was sanctioned by ICICI Bank in favour of the husband and wife. All EMIs has been paid solely by the Complainant Priyanka Sony through her ICICI Bank account. Her estranged husband made no monetary contribution whatsoever. The Complainant further stated that an amount of Rs. 19,00,000/- was forcibly demanded from her parents as dowry the fact of which was supported by Behala Women Police Station Case bno.04 of 2024 dated 08.02.2024 under relevant sections of IPC and Dowry provision s Act. And also Behala Police station case No 311 dated 27.12.2023. The Complainant submitted that there is a civil case pending against his estranged husband. The Complainant prays for relief of handover of the possession of the flat by the Respondent who are refusing to do the same unless a no objection certificate is submitted from her co-applicant in respect of this matter. The Respondent stated that as the flat was booked jointly by the Complainant and her husband and the agreement for sale was also signed by both the parties they cannot handover the possession of the flat to a single applicant	

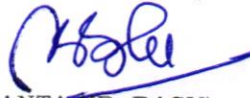
unless there is specific order of the competent Authority or Civil Court.

After hearing both the parties, the Authority finds that the flat has been booked jointly by the husband and wife and the Agreement for Sale was signed by both of them accordingly. Now there is a title suit (suit no 169/2024) pending before the Hon'ble Civil Court regarding family disputes between the co-Complainants.

The possession of the flat originally booked jointly cannot be handed over to one of the allottee without no objection from the other party or any specific order of the Competent forum. So there is no scope to this Authority for disposal of this complaint petition at this juncture.

As such, the instant complaint matter is hereby dismissed on the ground of non-jurisdiction of the Authority.

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



(JAYANTA KR. BASU)

Chairperson

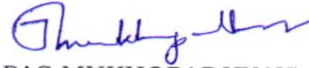
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority