

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

Complaint No. WBRERA/COM (physical) 000268

Swapan Kumar Dey..... Complainant

Vs

M/S Nagendra Plaza Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 29.10.2025	Complainant along with his Advocate Kishalaya Ghosh is present in the hearing today physically by signing the attendance sheet and filing the vakalatnama by the Advocate. Ms. Sayantani Das (mobile no:- 8240745213 and email id:- 89sayantani@gmail.com) appeared in today's hearing through online mode on behalf of the Respondent Company by filing hazira through email. Heard both the parties in detail. As per the Complainant, he entered into an Agreement for sale with the Respondent on 14.11.2022 to purchase a flat at "Nagendra Plaza" (bearing No.10) Block 2, subsequently regarded as flat no.18 block 2. As per the Agreement for Sale the Respondent was to deliver the possession of the flat within a period of 24 months from the date of execution of this Agreement with the rider that the time may be extended due to force major. As per clause 6.5 the promoter was to give possession within a period of three months from the date of last payment by the Complainant which may be extended up to 6 months if the first part and second part fails to complete the works due to enforcing circumstances on the part of the second part. The total consideration of the flat was Rs. 54,90,000/- out of which the complainant have paid a total amount of Rs. 35,00,000/- on different dates till 10.03.2023. But till date neither the flat has been constructed, nor the same is ready as per specification of the third and fourth schedule. The Complainant further stated that the said project is not registered under WBRERA as per provision of section 3 of the RERA Act, 2016. The Complainant prays for relief of refund of entire amount invested by the Complainant for the flat along with interest and also prays for compensation of Rs. 3,00,000/- for causing harassment and mental agony and litigation cost of Rs. 1,00,000/- in terms of the prevailing rules under WBRERA Act. The Advocate of the Respondent stated that she wants to submit her reply through Affidavit after receiving the Affidavit from the Complainant. The	

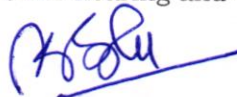
Respondents' Advocate also admitted that the project has not been registered.

After hearing the Complainant, 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 Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested 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 **14(fourteen) days** from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit their 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 **14 (fourteen) days** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier. In their Affidavit Respondent shall also give explanation regarding non- registration of their project as per provision of section 3 of the RERA Act, 2016.

Fix after **6 (six) weeks** for further hearing and order.



(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