

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

Complaint No. WBRERA/COM000650

Merlin Projects Limited..... Complainant

Vs

Jyotirmoy Guha Sarkar..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 20.06.2024	<p>Mrs. Deepa Das (Mob. No. 9836301188 &amp; email Id: <a href="mailto:deepa.das@merlinprojects.com">deepa.das@merlinprojects.com</a>), Mrs. Samanya Sengupta and Mrs. Prachi Gourisaria, being the Authorized Representatives of the Complainant Promoter Company, are present in the physical hearing filing authorization and signed the Attendance Sheet.</p> <p>Respondent-Allottee is absent in the physical hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>The Complainant submitted a Notarized Affidavit dated 30.05.2024 containing their full submission regarding the Complaint Petition, as per the last order of the Authority dated 08.04.2024, which has been received by this Authority on 04.06.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>The Respondent has not submitted any Affidavit containing his Written Response as per the last order of the Authority dated 08.04.2024.</p> <p>The Respondent also did not send any communication regarding non-appearance of him in today's hearing.</p> <p>The Authority is of the considered opinion that the Respondent has failed / neglected to avail the opportunities to submit his submissions / objections regarding the Complaint Petition. In the said circumstances, the Authority has no other option but to proceed with ex-parte hearing and disposal of this matter on the ground of speedy disposal of justice as per section 29(4) of the RERA Act.</p>	


After hearing the Complainant and going through the Affidavit of the Complainant placed on record, the Authority is hereby pleased to give the following directions:-

- a) The Respondent shall make payment of all the due installments alongwith interest within 45 days from the date of receipt of this order of the Authority through email; and
- b) If the Respondent fails to make the payment as per the direction at (a) above, the Complainant is at liberty to refund the balance amount to the Respondent after deduction of the booking amount and the booking amount shall not be more than 10% of the total consideration of the flat / unit booked by the Complainant and to register the cancellation documents of the registered Agreement for Sale dated 22.07.2022 and re-sale the concerned flat / unit to any third party. The Respondent shall give all co-operation at the time of de-registration of the Agreement for Sale, if the Respondent fails to co-operate at the time of de-registration of Agreement for Sale, the concerned Registrar is hereby directed to register the cancellation documents unilaterally in the presence of the Complainant.


In spite of the above directions, both the parties are at liberty to amicably settle the matter by mutual discussion and in if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both the parties, containing the terms and conditions of the mutual settlement and send the Affidavit (in original) to the Authority, both in hard and scan copies, **within 45 days** from the date of receipt of this order of the Authority through email.

With the above directions the matter is hereby disposed of.

Let copy of this order be served to both the parties through speed post and also by email immediately.

  
(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority