

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

Complaint No. WBRERA/COM 001369

Merlin Projects Limited Complainant

Vs

Mr. Nilkantha Bhattacharya & Mrs. Ophelia Mondal Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 11.09.2025	Smt. Deepa Das and Smt. Prachi Gourisaria being Authorized Representatives of the Complainant Company are present in the hearing physically by filing hazira and signed the attendance sheet. Respondent is absent in today's hearing, without any intimation, despite due service of the hearing notice through email. Heard the Complainant in detail. The complainant submitted that the Respondents has applied for allotment of a flat in the project Merlin Ivana phase-1. Subsequently the respondent herein were allotted an apartment being #15 D, block -Alya along with facility to park a car in a covered car parking space located at ground floor in the said project on 20th June 2023 for a total consideration of Rupees 1,47,69,273/- excluding taxes in lieu of which an allotment letter dated 18th July 2023 was issued in favor of the respondents herein. Thereafter by virtue of registered agreement of sale dated 5th September 2023 being the number 160212902 for the year 2023 and recorded in book number 1 volume number 1602- 2023 pages from 440860 to 440936 from district sub register-II, South 24 Parganas the said unit was registered in favor of the respondents herein. The said respondents had paid a total sum of Rupees 66,91,927/- out of the total consideration and out of total demand raised for Rupees 91,73,167/- against the said unit till 30th August 2024. Thereafter the respondents stopped making payments in spite of several communication and there was no response/ remedy from the respondents in compliance with the reminder. The complainant sent a 30 days notice dated 18th October 2024 for clearing the outstanding dues as per the said agreement for sale. No positive response was received from the respondent. As a goodwill gesture further 10 days time was given to the said respondent to clear their outstanding dues vide termination notice dated 20 November 2024 failing which it was mentioned that the said registered agreement of sale shall stand terminated. The respondents vide their mail dated 9th December 2024 assured to clear the outstanding dues within the following month and same time frame was being accepted by the complainant. Further the respondent vide another mail dated 19/12/ 2024 committed to complete the payment of their dues by the following month i.e., end of January. The respondent failed to keep their commitment to the complainant.	

Complainant seeks the following relief

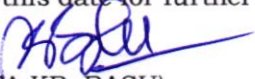
The complainant seeks the following relief from the Authority in declaring the agreement for sale dated 5th September 2023 being number 160212902 for the year 2023 is void ab initio, invalid and unenforceable due to the respondents failure to fulfill its financial obligation under the agreement , order for cancelation of agreement, for a perpetual injunction restraining the respondent ,its agents or assigns from acting upon or enforcing the said agreement,a temporary injunction restraining the respondent from rely upon the said agreement pending the final adjudication of the dispute and order directing the respondent to pay the outstanding dues along with the applicable interest.

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.

Fix next date 5(five) weeks from this date 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