

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

Complaint No. COM 000722 (erstwhile WBHIRA)

Gautam Roy and Nandita Roy..... Complainants

Vs

Soumita Construction Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 30.01.2024	<p>Complainants are present in the online hearing filing hazira through email.</p> <p>Advocate Masooma Khan (Mob. No. 8981637107 &amp; email Id-lawdesk2@teamtaurus.co.in) is present in the online hearing on behalf of the Respondent filing hazira and authorization through email.</p> <p>The Complainants have submitted their total submission regarding this Complaint Petition on a Notarized Affidavit dated 19.12.2023, as per the last order of the Authority dated 15.12.2023, which has been received by this Authority on 05.01.2024.</p> <p>Let the said Notarized Affidavit of the Complainant be taken on record.</p> <p>Respondent has also submitted his Written Response dated 27.01.2024 containing his total response regarding the Affidavit of the Complainant, as per the last order of the Authority dated 15.12.2023, which has been received by this Authority on 29.01.2024.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Heard both the Parties in detail.</p> <p>Advocate of the Respondent stated in their Affidavit and also at the time of hearing that they require some time to make the refund and prayed for necessary permission for payment of the amount in some instalments.</p> <p>Complainants stated that they will accept the payment as per the direction of this Authority and they requested that the payment by the Respondent is to be made under the supervision / review of this Authority.</p>	

After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to handover possession of the flat to the Complainant within the scheduled timeline and therefore, he is liable to refund the principal amount paid by the Complainant alongwith interest at the rate of SBI PLR +2% per annum for the period starting from the date of respective dates of payments made by the Complainant till the date of realization, as per the provisions contained in section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

After hearing both the parties, the Authority is pleased to give the following directions :-

- a) The Respondent shall refund the Principal amount of Rs.13,13,375/- (Rupees thirteen lakhs thirteen thousand three hundred seventy five only) paid by the Complainant alongwith interest @ SBI Prime Lending Rate + 2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realization; and
- b) Respondent is directed to complete the refund of the Principal Amount in 4(four) equal consecutive monthly installments starting from **March, 2024 ending with June, 2024** and the interest amount shall be paid in 2 (two) equal consecutive monthly installments starting from **July 2024 ending with August, 2024** ; and
- c) Respondent is also directed to start payment as per the above directions given at (a) and (b) above; and
- d) The refund shall be made by **bank transfer** to the bank account of the Complainant; and
- e) The Complainant shall send his bank account details in which he wants to take the refund amount, to the Respondent by email within 3 days from the date of receipt of this order of the Authority by email; and
- f) If the Respondent fails / neglects to comply the above order of the Authority, penalty may be imposed upon the Respondent as per the section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016, if the Authority thinks fit to do so on the next date of hearing.

The Authority shall review the matter on the next date of hearing.

Fix **06.06.2024** for further hearing and order.

Sd/-  
(SANDIPAN MUKHERJEE)  
Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-  
(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority

Sd/-  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy

2

*Sde*  
30.01.2024

*Special Law Officer*  
West Bengal Real Estate Regulatory Authority