

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

Complaint No. WBRERA/COM000172

Mritunjoy Barua ..... Complainant

Vs

Morias Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 20.12.2023	<p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing despite due service of hearing notice through speed post and also through email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Respondent did not submit Written Response till today as per the last two orders of the Authority dated 17.08.2023 and 26.09.2023.</p> <p>Therefore, the Authority is of the considered view that reasonable opportunity and sufficient time has been given to the Respondent to submit their Written Response and defend their case but the Respondent failed / neglected to take the opportunity. No more chance / opportunity shall be given to the Respondent to submit their Response for the ends of speedy disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016.</p> <p>Heard the Complainant in detail.</p> <p>Complainant stated that he has paid total amount of Rs.2,49,228/- and till date he has got refund of Rs.90,000/-. Therefore at present Rs.1,59,228/- is the remaining Principal Amount which is required to be refunded by the Respondent.</p>	

Complainant further stated that he will accept the refund / payment from the Respondent as per the direction of this Authority and he requested that the payment by the Respondent is to be made under the supervision / review of this Authority.

After examination of the Notarized Affidavit of the Complainant and Notary Attested documents placed on record and after hearing the Complainant through 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 the Complainant and after examination of the Affidavit and documents placed on records by the Complainant, the Authority is pleased to give the following directions :-

- a) The Respondent shall refund the balance Principal Amount of Rs.1,59,228/- (Rupees One Lakhs Fifty Nine Thousand Two Hundred Twenty Eight Only) paid by the Complainant alongwith interest @ SBI Prime Lending Rate + 2% per annum, calculated on the total Principal Amount, 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 3(three) equal consecutive monthly installments starting from **March, 2024 ending with May, 2024** and the interest amount shall be paid in 1 (one) installment in **June 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 / payment 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 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 **07.05.2024** 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

*Sd/-*

*20.12.2023*

*Special Law Officer*  
*West Bengal Real Estate Regulatory Authority*