

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

Complaint No. WBRERA/COM 000338

Suchismita De..... Complainant

Vs

Joydeep Majumder.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 30.01.2024	<p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Mrs. Sneha Dutta is present in the physical hearing today on behalf of the Respondent, filing hazira and vakalatnama and signed the Attendance Sheet.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p>After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties in the physical hearings, the Authority is of the considered view that the Respondent has failed in his obligation to hand over possession of the Apartment to the Complainant within the scheduled time line and therefore he is liable to pay interest for the delay period in giving possession and interest is to be paid by Respondent at the rate of SBI PLR +2% per annum on the amount of Rs.30,19,320/- paid by the Complainant, 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 and the Complainant is liable to pay the remaining amount of total cost of the flat amounting to Rs.22,84,527/- to the Respondent at the time of delivery of possession.</p> <p>Hence it is hereby,</p> <p style="text-align: center;">Ordered,</p> <p>a) That the Respondent shall execute and register the Deed of Conveyance, in favour of the Complainant, in respect to the flat booked by the Complainant, and simultaneously deliver possession of the flat booked by the Complainant</p>	

alongwith keys, within 30 days from the date of receipt of this order of the Authority by email; and

b) That the Respondent shall pay interest to the Complainant, for the delay in delivery of possession, for the period starting from 24.12.2022 (scheduled date of delivery of possession) till the date of actual delivery of possession, at the rate of SBI PLR + 2% per annum, on the amount of Rs.30,19,320/- paid by the Complainant and the payment is to be made simultaneously with the delivery of possession; and

c) That the Complainant shall pay the remaining amount of the total cost of the flat amounting to Rs.22,84,527/- to the Respondent simultaneously with the delivery of possession; and

d) Both the parties are at liberty to adjust the amounts and pay the remaining amount to the other party and the payment shall be made by bank transfer to account of the party concerned and both the parties shall send their bank account details to the other party through email, within 3 days from the date of receipt of this order through email.

Parties are at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the other party defaults in complying this order either in full or in part within the specified time period as mentioned in this order.

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

With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority