

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

Complaint No.WBRERA/COM001643

Surajit Roy Choudhuri..... Complainant

Vs.

New Age Nirman LLP..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 11.03.2026	<p>Complainant, Surajit Roy Choudhuri along with Learned Advocate, Debarun Biswas (Mobile no. 8240920235 and email id-debarunbiswas@gmail.com), are present physically in the instant complainant hearing, filing his hazira. He is directed to file his vakalatnama immediately.</p> <p>Respondent has mailed the Authority stating his inability to arrange counsel, due to the short notice. Respondent prayed for an adjournment of today's hearing.</p> <p>The Complainant stated that on 15/07/2019, they made a registered Agreement For Sale for flat no. A2-3-4 in the Swayam City Phase III project before Additional Register Assurances III Kolkata, with the respondent above named, which is approved by HIRA, vide registration no. HIRA/P/SOU/2018/000160 and as per agreement they promised to hand over the flat on 30/06/2021 but still today neither they handed over the possession of the flat nor the respondent compensate for the delay made by them but the respondent raised demand of their money, time to time, through email and by their official demand letters and accordingly the Complainant paid total of Rs.32,64,713/- out of total sell price of Rs. 36,19,405/-. Accordingly, on last demand from the respondent, we stopped making payments the same as per provisions of the registered Agreement For Sale for flat no. A2-3-4 in the Swayam City Phase III project.</p> <p>The complainant prays for the following Reliefs as submitted by him in the Form -M:-</p> <p>i. That to compensate the money which has been agreed upon by them, as per the Agreement for sale in clause 9.2(ii) as mentioned in the registered Agreement For Sale for flat no. A2-3-4 in the Swayam City Phase III project, due to delay, in handing over the possession of the flat and also according to the Rule 17 and Rule 18 of the West Bengal Real Estate (Regulation & Development) Rules, 2021 and also specified in Section 18 Clause (b) of the Real Estate (Regulation and Development) Act 2016.</p> <p>ii. That to allow in stop in further payment by us as per Agreement for sale as mentioned in the clause 9.2(i) in the registered Agreement For Sale, without prejudicing any of our rights.</p> <p>iii. That is to compensate the amount of money which one would pay if the</p>	

- person took any rent for such period while waiting for possession.
- iv. That as the compensation for mental agony or other inconveniences caused by such delay.
- v. That Developer may be directed to give final possession of the said flat immediately.
- vi. That any other relief or reliefs which have been fit and proper according to the Honourable Real Estate Authority.

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: -

A. The Complainant shall submit his total submission regarding the ComplaintPetition on a Notarized Affidavit annexing therewith notary attested/self-attested supporting documents and a signed copy of the Complaint Petition in Form -M 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 **1(one) weeks** from the date of receipt of this order of the Authority by email.

B. The Respondent shall submit their Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexingtherewith notary attested/self-attested supporting documents, if any, and send the same (in original) to the Authority serving a copy to the Complainant, both in hard and soft copies, within **1(one) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix after **4(four) weeks** for further hearing and order.

(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority

(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority