

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

Complaint No.WBRERA/COM 000624

Suvodeep Mukherjee &Shruti Mukherjee..... Complainants

Vs

1.Bhowmic Construction

2. AjoyBhowmic

3. TulikaBhowmic Respondents

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 15.02.2024	<p>Advocates of the Complainants Shri. Subhas Basu and Shri. Nirmalya Ghosh are present in the physical hearing filing hazira and signed the attendance sheet.</p> <p>Respondent is absent in the physical hearing despite due service of hearing notice to the Respondent.</p> <p>Let the track record of due service of hearing notice of the Respondent be taken on record.</p> <p>The Complainants have submitted a Notarized Affidavit dated 09.01.2024, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 29.11.2023, which has been received by this Authority on 15.01.2024.</p> <p>Let the said Notarized Affidavit of the Complainants be taken on record.</p> <p>The Respondent did not submit any Written Response till date in non-compliance with the last order of the Authority dated 29.11.2023.</p> <p>Heard the Complainants in detail.</p> <p>The Complainant stated at the time of hearing that although the Registration of the flat was done on 25.01.2018 but till date he has not received the possession of the flat.</p> <p>He prayed before the Authority for necessary direction/order either for refund of the Principal Amount paid by him alongwith statutory interest or delivery of possession of the flat alongwith interest for delay inf delivery of possession.</p>	

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

a) Complainants shall submit a supplementary notarized affidavit stating the details of the schedule date of possession, relevant communications in this regard and he shall also submit his prayer categorically in the said Affidavit, whether he wants possession with delay interest or he wants refund with interest, annexing therewith supporting documentary evidence in this regard. He shall send the affidavit (in original) to the Authority, serving a copy of the same to the Respondent, both in hard and soft copies, within **10 days** from the date of receipt of this order of this Authority by email; and

b) The Respondent is hereby given the last chance/opportunity to submit his Written Response on a notarized affidavit to the Complaint Petition, Affidavit and Supplementary Affidavit of the Complainant and he shall send the Affidavit (in original) to the Authority, serving a copy of the same to the Complainant, both in hard and soft copies, within **10 (ten) days** from the date of receipt of the Supplementary Affidavit of the Complainant by him either by post or by email, whichever is earlier; and

c) The Respondent is also directed to remain present positively on the next date of physical hearing, failing which, the Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter for the end of speedy disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

d) The Complainant is also directed to submit an Affidavit of Service to the Authority before the next date of hearing.

Fix **12.03.2024** for next hearing and order.



(SANDIPAN MUKHERJEE)

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