

**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/COM(PHYSICAL)000035

Prabir Kumar Raychaudhuri..... Complainant  
Vs  
Ideal Real Estates Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 10.05.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent despite due service of notice through email and also through speed post.</p> <p>Respondent has submitted a notarized petition dated 10.05.2023 which has been received by the Authority on 10.05.2023.</p> <p>Let the petition of the Respondent dated 10.05.2023 be taken on record.</p> <p>The Respondent has prayed for adjournment of hearing of this matter for six months for medical issue of one of the director of the Respondent Company Mr. Srawan Kumar Himatsingka.</p> <p>As per the considered opinion of the Authority, as there are number of directors other than Mr. Srawan Kumar Himatsingka and the regular works of the Respondent promoter company is going on as usual therefore for the</p>	

ends of justice no more adjournment can be given in this matter.

Moreover in the last order of the Authority dated 06.04.2023, Respondent was categorically informed that even if they remain absent today, the Authority will be constrained to hear and take decision ex-party in this matter. The Respondent was also given the last chance of filing Written Response in the last order of the Authority.

In this matter on the prayer of the Respondent two months' adjournment has already been given. One month time was given to the Respondent in the first order of the Authority in this matter dated 15.02.2023 and another one month adjournment was given on the second date of hearing on 06.04.2023. For the ends of justice, the Authority has no other option but to proceed with ex-party hearing of this matter today.

On examination of the affidavit and petitions given by both the parties and after hearing the Complainant in the online hearing, the Authority is of the considered view that the Respondent is under obligation to refund back the remaining amount of principal money paid by the Complainant along with interest to the Complainant as per 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 as the Respondent has defaulted in his obligation to provide possession of the flat booked by the Complainant within the schedule time period as agreed between the parties as per the Agreement for Sale executed between the parties.

Hence it is hereby,

Ordered,

that the Respondent shall refund Rs. 31,57,000/- ( Rupees thirty one lakhs fifty seven thousand only), which is the principal amount along with interest @SBI PLR +2%, to the Complainant within 45 days from the date of receipt of this order of the Authority by email. The refund shall be made by Bank transfer to the Bank A/c of the Complainant.

The Complainant shall provide his Bank A/c details, in which he wants to take the refund amount, to the Respondent within three days from the date of receipt of this order of the Authority by email.

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

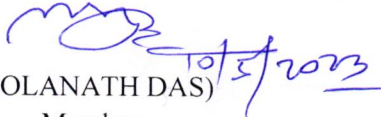
With the above directions the matter is hereby Disposed Of.



(SANDIPAN MUKHERJEE)

Chairperson

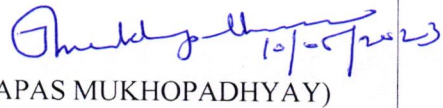
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority