

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/COM000572

Priyanka Ganguly and Indra Narayan Ganguly .....Complainants

Vs

Merlin Projects Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 ----- 19.01.2024	<p>Complainant alongwith with her husband and Joint Allottee Mr. Indra Narayan Ganguly is present in the online hearing filing hazira through email.</p> <p>Mrs. Deepa Das and Gautam Ray, being Authorized Representatives of the Respondent (Mob. No. 9836301188 &amp; email Id – deepa.das@merlinprojects.com) are present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainants they have purchased a 3 BHK flat, being No. 2F on the 2<sup>nd</sup> floor, block 2 total measuring 867 sq. ft. built-up area (more or less) alongwith a car parking space at '<b>Merlin Verve</b>' at premises no. 223, B.L. Saha Road, Kolkata – 700 053 on 17.03.2021. The price of the apartment including car parking pace of Rs.70,64,640/-. Total price including GST Rs.79,12,234/-.</p> <p>The Complainant had already paid 90% of the total price including GST of the said apartment that is Rs.71,21,754/-as per the demand raised by the Respondent - Promoter.</p> <p>The project Merlin Verve is registered with erstwhile WBHIRA now</p>	

WBRERA, Sl. No. 120, project ID-NPR-00295, registration number – HIRA/P/KOL/2018/000075, dt. 05.10.2018, project completion date was 30.03.2023.

As per Sale Agreement para 7.1 page 10, it has been mentioned that the promoter assures to handover possession of the apartment alongwith ready and complete common areas with all specifications, amenities and facilities of the project in place of March'2023 (including of all extension period).

Now after lapses of 6 months from march, 2023 the project is not completed and not handed over to the Complainants.

As per para 7.6, page 12 of Sale Agreement it has been mentioned that if the allottee does not intend to withdraw from the project the promoter shall pay the allottee interest at the rate prescribed in the rules for every month of delay till the handing over the possession of the apartment which shall be paid by the promoter to the allottee within 45 days of it becoming due. They have several time send the mail to Marlin with a request to let them know on which date they will handover their property and the compensation amount they will pay due to not timely handover the apartment. But till date they have not receive any satisfactory reply from the Respondent. Now they are very much upset of not getting their apartment on time and the Respondent is not paying any amount as delayed interest.

In this Complaint Petition, the Complainants pray before the Authority for the relief of taking necessary steps by the Authority so that they will get the peaceful possession of their flat no. 2, on the 2<sup>nd</sup> floor, block 2 at Merlin Verve and they will get the delayed interest and other compensation as per the Sale Agreement and as per the guidelines and rules of WBRERA.

After hearing both the parties, 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:-

The Complainants are directed to submit their total submission

regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition 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 **15 (fifteen)** days from the date of receipt of this order through email.

The Complainants are further directed to send a scan copy of the Affidavit with annexure to the Authorized Representative of the Respondent in their above mentioned email Id.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainants, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainants, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **16.05.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority