

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

Complaint No. WBRERA/COM001384

Tamoshree Mondal Complainant.

Vs.

Ideal Aurum Nirman LLP. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 16.09.2025	The Complainant, Tamoshree Mondal, represented by the Learned Advocate, Khagendra Nath Jana is present online at the time of hearing of the instant complaint. He is requested to file hazira and vakalatnama online or physically which should be kept in record. The Respondent, Ideal Aurum Nirman LLP, represented by the Learned Advocate Srijeeta Gupta is present physically at the time of hearing. The Complainant has submitted a Notarized Affidavit dated 24.07.2025, containing total submission regarding this Complaint Petition, as per the last order of the Authority dated 16.07.2025, which has been received by this Authority on 25.07.2025. Let the said Notarized Affidavit of the Complainants be taken on record. The Learned Advocate appearing for the Respondent stated that she is now unable to file Affidavit in Response and she asked for time to file the same. The Complainant's Learned Advocate stated that the Complainant on 05.11.2019 booked the Flat 7F in ALLURE of the Respondent's project by paying Rs. 3,37,461/- as per Annexure "A" page 17 of the Complainant's Affidavit. The Agreement for Sale was made on 8th September, 2020 and the said Flat was to be hand over within September, 2022. The complainant has paid 90% of the total consideration amount by taking bank loan unfortunately the time for delivery of flat has been expired the same has not been delivered. A notice from Yes Bank dated 25th November, 2020 wherein Yes Bank issued a Conditional No Objection Certificate for selling the Flat to any purchaser with some conditions (Annexure – "D" of the Affidavit) as the same land is mortgaged with the said Bank. The Learned Advocate appearing for the Complainant prayed for Relief under Section 18, 18(1) and 61 of the RE(R&D) Act, 2016, the complainant prays that the Respondents be directed to deliver the peaceful vacant possession in respect (Strictly as per the 5th Schedule of the Agreement for Sale) and to execute the proper deed of conveyance in respect of the said property in favour of the	

complainant upon obtaining necessary No Objection Certificate from the Yes Bank for the reason as stated above forthwith within 30 days from the direction and/or order to be made herein; Pending the final decision on the complainant, the Complainant seeks the issuance of an Injunction to restrain the Respondent from creating any third-party rights and/or transferring any interest in Property No. 7F, Block Allure, No. 1 Ideal Aurum until the final adjudication of this complainant. This includes, but is not limited to, the sale, lease, or encumbrance of the said property, to ensure that the complainant's interest is protected during the pendency of the complainant. He also prayed for other reliefs also.

The Respondent's Advocate stated that the Flat is ready for delivery.

Heard both the parties in details.

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

- a) The Respondent is hereby once again given an opportunity and given a last chance and directed to file Affidavit in Response in response to the Affidavit of the Complainant specifically addressing the complaint's complain and relief sought through **form M** as submitted before this Authority within **1(one) week** as per Order No. 1 dated 16.07.2025; and
- b) The Complainant shall submit a Reply/Rejoinder through notarized Affidavit in response to the Affidavit of the Respondent and send the same (in original) to the Authority and serve a copy to the Respondent both in hard and soft copy within **15 (fifteen) days** from the date of receiving this Order through email;
- c) Pending the final decision on the complaint, an **Ad-Interim order of Injunction** is hereby issued upon the Respondent restraining him from creating any third-party rights and/or transferring any interest in Property No. 7F, Block Allure, No. 1 Ideal Aurum until further order or the final adjudication of this complaint. This includes, but is not limited to, the sale, lease, or encumbrance of the said property, to ensure that the complainant's interest is protected during the pendency of the complainant.

Fix after **6 (six) 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



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority