

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

Complaint No.WBRERA/COM000082

Ashoke De.....Complainant

Vs.

Usashi Realstates Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 13.06.2023	<p>Son of the Complainant, Mr. Arindam De is present in the online hearing filing hazira and Authorization through email.</p> <p>Respondent is absent despite due service of notice through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>The Complainant has submitted a Notarized Affidavit dated 06.03.2023, containing his total submission regarding this Complaint Petition, as per the last order of the Authority dated 04.05.2023, which has been received by the Authority on 22.05.2023.</p> <p>Let the Notarized Affidavit dated 06.03.2023 of the Complainant be taken on record.</p> <p>Respondent did not submit any Written Response as per the last order of the Authority dated 04.05.2023.</p> <p>This matter has been heard on 04.05.2023 and also on today. But the Respondent failed to appear on both dates. He also neglected to file Written Response as per the order of the Authority dated 04.05.2023. Therefore this Authority has no other option but to proceed with ex-parte hearing and disposal of this matter today for the ends of speedy disposal of justice.</p> <p>Heard the Complainant in detail.</p>	

The case of the Complainant is that, he booked a 2 BHK flat in '**King Town**' project of the Respondent company with Application no. KTN1922. Agreement For Sale was executed between the parties on 04.08.2018. The Complainant has paid Rs. 3,48,489/- (Rupees three lakhs forty eight thousand four hundred eighty nine only) to the Respondent company in this respect. The project has been abandoned by the Respondent but no refund was made by the Respondent to the Complainant. Therefore, in this Complaint Petition, the Complainant prayed for the relief of refund of the total amount paid by him alongwith interest from the Respondent.

After examination of the Notarized Affidavit of the Complainant and Notary Attested documents placed on record and after hearing of the Complainant in the online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the Apartment to the Complainant within the scheduled time line and therefore he is liable to refund the principal amount paid by the Complainant along with interest at the rate of SBI PLR +2% for the period starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in 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.

Hence it is hereby,

Ordered,

that the Respondent shall refund the principal amount of Rs. 3,48,489/- (Rupees three lakhs forty eight thousand four hundred eighty nine only) to the Complainant along with interest @SBI Prime Lending Rate + 2% for the period starting from the respective dates of payments made by the Complainant till the date of realisation.

The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of

receipt of this order of the Authority by email.

The Complainant shall send his bank account details in which he wants to take the refund amount, to the Respondent by email within, 3 days from the date of receipt of this order of the Authority by email.

Complainant is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order.

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

With the above directions the matter is hereby disposed of.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy.

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13.06.2023

Special Law Officer

West Bengal Real Estate Regulatory Authority