

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/COM000679

Ambuja Neotia Teesta Development Pvt. Ltd. ....Complainant

Vs

Bikash Agarwal .....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 16.01.2024	<p>Mr. Piyush Singhanian and Miss Moumita Kundu, being the Authorized Representatives of the Complainant is present in the online hearing filing hazira and Authorization through email.</p> <p>Mr. Bikash Agarwal, Respondent of the present Complaint Petition is present in the online hearing. He is directed to send his hazira on a plain paper to the Authority by email immediately after today's hearing as per the format given alongwith the hearing notice.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, the Respondent applied for allotment of a commercial plot, being Plot No. UIF-2/3, having plot area 3.70 katha (equivalent to 274.27 sq.mtr.), in the project named <b>Utsodhaara: Teesta UIF Plots Phase-III'</b>. By virtue of an allotment letter dated 29.11.2021, the Respondent was allotted the said plot and upon receiving the booking amount of Rs.11,81,040/-, an Agreement for Sub-Lease dated 09.09.2022 was duly executed between the parties and registered.</p> <p>The Respondent had failed and neglected to pay nine (09) nos. of consecutive invoices/demands notices raised by the Complainant in terms of payment plan of the Agreement for Sub-Lease.</p> <p>Due to non-payment of the demands/invoices, the Complainant sent several notices/reminders to the Respondent, which remained unanswered, and no payment was made to the Complainant.</p> <p>The Respondent, therefore, as per the Complainant, is in clear default in terms of clause 9.3(2) of the Agreement for Sub-Lease. Ultimately, the Complainant issued a notice for cancellation of the Agreement for Sub-Lease to the Respondent with 30 days clear notice in terms of clause 9.3(ii) of the Agreement for Sub-Lease. Since the</p>	

Respondent neither replied to the letter nor paid the dues within the notice period, therefore, as per the Complainant, the Agreement for Sub-Lease terminated, and the allotment was cancelled. Total amount of dues is Rs.1,13,93,398/-with interest in terms of the Agreement for Sub-Lease.

In this Complaint Petition, the Complainant prays for the following reliefs:-

- a) To record the allotment of plot no. UIF-2/3 as cancelled before the Authority; and
- b) To issue the direction upon the Respondent to pay the amount of short fall Rs.19,04,705/-; and
- c) To allow the Complainant sign, execute and register a unilateral Deed of Cancellation in respect of the registered Agreement for Sub-Lease. Since it is a legal requirement that registered agreement can be cancelled only by a registered Deed of cancellation; and
- d) To direct the concern Registrar to register unilaterally the Deed of Cancellation in respect of the said plot; and
- e) To permit the Complainant re-allot the said plot of any prospective allottee(s); and
- f) To pass such other orders as the Authority may deem fit and proper in the interest of justice.

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 Complainant is directed to submit his total submission regarding his 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 Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, 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 Complainant, 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 **05.03.2024** for further 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