

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

Complaint No. WBRERA/COM000978

Saikat Khan Complainant.

Vs.

Bengal Shapoorji Housing Development Pvt. Ltd..... Respondents.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
05 07.08.2025	The Complainant, Saikat Khan and his Learned Advocate, Arindam Mitra appeared physically at the time of hearing of the instant Complainat by filing hazira. The Respondents, Bengal Shapoorji Housing Development Pvt. Ltd. is represented by the Learned Advocates, Sanjuta Roy and Rami Das Chatterjee who appeared physically at the time of hearing. They are directed to file hazira which shall be kept in record. The Complainant stated that the Allotment Letter was given to him on 12th December, 2016 and the same was to be delivered after 36 months i.e, on 12.12.2019 in phase 7 of Sukhobrishti and the handing over possession of the said apartment will be after 42 months from the date of Provisional Allotment Letter issued by the Company. But the Respondent failed to deliver the possession in time and during the instant proceeding on 30.6.2025 the Respondent offered him the allotment letter. So the Complainant prayed for refund of his money amounting to Rs.25,34,128/- along with interest. He also stated that no GST has been paid by him so the question of deducting GST does not arise at all. The Learned Advocates appearing for the Respondent stated that due to Covid the delay has been made and the Learned Advocate for the Respondent stated that there has been overdue GST of Rs.54,374/- which should be deducted from the principal amount. They also submitted that the complainant needs to cancel his allotment. Now, it is a fit case whether the complainant is entitled to have the refund of principal amount along with interest as he is unwilling to have the delivery of the flat. Taking into consideration of the facts of nine months period excluded for Covid there has been delay in delivery of possession and there is no satisfactory explanation so the prayer of the refund principal amount of Rs.25, 34,128/- along with interest is a legitimate claim of the Complainant. No amount shall be deducted from the paid amount of the Complainant. Regarding the point raised during the hearing for compensation for causing mental agony, the Complainant may proceed with filing the Form 'N' before the Adjudicating Officer.	

The Authority is like to mention that as the Respondent has taken money from the Complainant for allotment of the Flat, the Respondent is very much liable to refund the Complainant's invested money along with interest as per the provision under Section 18 of the Real Estate (Regulation & Development) Act, 2016.

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

- A. As per provision of Section 18 of the Real Estate (Regulation & Development) Act, 2016 read with Rule 18 of WBRERA Rules, the Respondent shall refund the Complainant the principal amount of **Rs. 25,34,128/- (Rupees Twenty-five lakh thirty four thousand one hundred and twenty-eight)** only along with interest at the rate SBI PLR + 2 per cent to be calculated from the date of payment of the principal amount by the Complainant till the date of refund of the same, by the Respondent, through bank transfer within **45 days** from the date of receiving this order of this Authority by speed post or by e-mail whichever is earlier.
- B. The Complainant shall send his bank account details to the respondent within **five days** from the date of receiving this Order through email.

In case of non-compliance of this Order of the Authority, the Complainant is at liberty to file an Execution Application before the Authority as per the Execution Application as per the Execution Regulation of the WBRERA .

With this direction the matter is hereby disposed of.

Let copy of this order be served to both the parties immediately.



(JAYANTA KR. BASU)
Chairperson

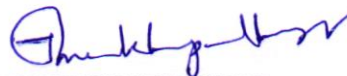
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority