

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

Complaint No. WBRERA/COM 000487

Babita Jodhani..... Complainant

Vs.

PS Group Realty Private Limited.....Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 27.02.2025	Mr. Vinod Kumar Jodhani, Authorized Representative of the Complainant is present in the hearing through online mode filing hazira through email. Mrs. Moumita Kumar & Mrs. Taniya Saha, being Authorized Representatives of the Respondent Promoter Company, are present physically in the hearing and signed the Attendance Sheet. The Newtown Kolkata Development Authority (NKDA) has submitted an Inspection Report dated 04.09.2024, regarding the calculation of Carpet Area of the flat no.631 in the 6th floor of the project named 'Abacus', as per the last order of the Authority dated 09.07.2024, which has been received by this Authority on 05.09.2024. As per Report the Inspection was done in presence of both the Complainant and the Respondent after due notice to both of them. At the time of inspection the building was found complete in all respect and after measurement the carpet area was found to be 380 sq. ft. The calculation of the measurement of the space was also enclosed with the Report. Let the said Report submitted by NKDA be taken on record. Respondent submitted a Notarized Affidavit in Opposition dated 04.10.2024, suo motu, regarding the Inspection Report dated 04.09.2024 submitted by the Executive Architect, New Town Kolkata Development Authority, which has been received by this Authority on 21.10.2024. Let the said Affidavit submitted by the Respondent be taken on record. Heard both the parties in detail. Complainant stated that he is entitled to get refund from the Respondent Promoter Company as he has received 380 sq.ft of Carpet Area in place of 390 Sq. ft. and he also prayed for interest for the delay period in getting possession. Respondent stated that the measurement has been done by NKDA from finished wall to finished wall, but as per the relevant rules and practices the	

Carpet Area should be measured from Raw Wall to Raw Wall, therefore, there is no question of refund to be made to the Complainant for less carpet area.

Respondent also stated that the delay has been caused on the part of the Complainant, even after getting the possession notice, she has not taken the possession and intentional and willful delay has been caused by her.

The Authority is of the considered opinion that the Inspection Report submitted by the Executive Architect, Newtown Kolkata Development Authority as per last order of this Authority dated 09.07.2024 should be taken into consideration as NKDA, being the Government Autonomous Body and Plan Sanctioning Authority, was entrusted for final measurement of the Carpet Area and to submit the Report accordingly and hence accepted by this Authority. The Notarized Affidavit, submitted suo motu, regarding the Inspection Report submitted by the Executive Architect, New Town Kolkata Development Authority, should not be considered by this Authority. The Respondent could have raised objection at the time of inspection before the NKDA instead of filing Affidavit raising objection at the time of hearing before this Authority.

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

- a) The Affidavit submitted by the Respondent, suo motu, regarding measurement of carpet area as calculated by the Executive Architect, NKDA, is not acceptable by this Authority as the Respondent did not raise any objection at the time of inspection though the measurement was done in presence of both the Complainant and the Respondent.
- b) The Report received from the Executive Architect, NKDA, as per last order of the Authority dated 07.09.2024 is hereby accepted by this Authority as the same has been prepared as per order of this Authority and in presence of both the Complainant and the Respondent. Moreover, NKDA being Government Autonomous Body and plan sanctioning authority was entrusted for final measurement of the carpet area and to submit the report accordingly.
- c) The Respondent should refund the excess amount, if any, received from the Complainant as per calculation of the carpet of 380 sq. ft. as calculated by the Executive Architect, NKDA along with interest at the rate of SBI PLR+2% per annum within 45 days from the date of receipt of this order of the Authority through email.
- d) The Complainant shall send her bank account details, in which she wants to receive the payment, to the Respondent within 3 days from the date of receipt of this order of the Authority through email; and
- e) The Complainant will not get any interest for the delay period in getting possession as the possession notice was served upon her by the Respondent in due time but she did not take possession on the ground of finalization of the measurement of the carpet area.

With the above directions the matter is hereby disposed of.

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


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority