

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/COM (Physical) 000155

M/s. Shree Balaji ..... Complainant

Vs

Sibaji Sen and Sreetama Nandy Sen ..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 28.04.2026	<p>Chartered Accountant Mr. Amit Kumar Kedia is present in today's hearing through online mode on behalf of the Complainant being its Authorized Representative by filing hazira through email.</p> <p>Respondent is absent, without any intimation, despite due service of hearing notice through email.</p> <p>Complainant submitted affidavit of service as per Authority order dated 05.06.2025, which has been received on 06.08.2025.</p> <p>On the last occasion the Respondent was directed to submit affidavit in compliance to the Authority order dated 07.08.2024 within 15(fifteen) days and the Respondent was further informed that in the event of failure on the part of the Respondent and remaining absent even on the next date of hearing the matter would be heard Ex-parte for issuance of order. In spite of those specific directions the respondent neither submitted affidavit nor attended today's hearing. As such, the Authority is proceeding for ex-parte hearing.</p> <p>After hearing the Complainant and going through the affidavit, the Authority observes that the Respondent has miserably failed in making the payments towards the consideration of the flat booked by her and thereby, violating clause 1.4 of the Agreement for Sale and is therefore, under default under provision of Section 19 (6) of Real Estate Act, 2016.</p> <p>Now the Authority is hereby pleased to give the following directions:-</p> <p>A. This Authority has no objection if the Agreement for Sale executed between the parties on 31.03.2021 in regard to the Apartment, Being No-3A, second floor of Phase-2, Block No 14 in the project of the Complainant "Panthaniwas Dooars Phase-II", is cancelled by the Complainant unilaterally with forfeiture of booking amount and refunding the balance amount, if any, paid by the Complainant as per the Agreement for Sale executed between the parties on 31.03.2021, within <b>45(forty-five) days</b> from the date of receipt of this order of the Authority through email.</p>	

- B. The Deed of Cancellation of the said Agreement for Sale may be registered unilaterally by the Complainant.
- C. The concerned Additional Registrar-II of shall arrange for de-registration of the said Agreement for Sale dated 31.03.2021 by the Complainant unilaterally.
- D. After termination of the Allotment of the Respondent and cancellation of the Agreement including de-registration of the same, the Complainant shall be at liberty to allot the flat to any other person.
- E. As per the relief sought for by the Complainant regarding litigation cost the Complainant is at liberty to file fresh complaint through Form-N to the Adjudicating Officer.

With the above directions 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

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority