

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

Complaint No.WBRERA/COM 001004

Saptarshi DhuaComplainant

Vs.

Bhutoria Construction Private Limited Respondent

Sl. Number and date of order	Order and signature of the Officer	Note of action taken on order
03 29.07.2025	Complainant is present in today's hearing physically and signed the Attendance Sheet. Mr. Arcoh Chatterjee, Legal Officer of the Respondent Company is present in the hearing through online mode. Respondent submitted affidavit as per order dated 17.04.2025 which has been received by this Authority on 08.05.2025. Complainant stated that as per Agreement for Sale signed between the parties, stipulated date of handing over possession of the flat was 31.12.2021. Due to COVID, the Respondent was allowed 9 months extension by the Authority i.e. 30.09.2022. Even after that the Complainants got possession of the flat including Execution of Deed of Conveyance on January, 2025. Therefore, they are entitled to get interest due to delay in handing over possession, as per provision of RERA Act. Respondent stated that delay was caused due to COVID and Post COVID situations but the matter of paying interest for delay possession does not come under the purview of this Authority, as because, as per Agreement for Sale all or any disputes shall be settled amicably by mutual discussion, failing which, the same shall be settled under the Arbitration and Conciliation Act 1996. So it is very much clear that the Complainants dishonored the Terms and Conditions of the Agreement signed by both the parties. So the Complainants are not entitled to get interest for delay handing over the Flat After hearing both the parties, the Authority is of the opinion that the point raised by the Respondent is not tenable as per provision of RERA Act which has been enacted for dispute redressal and regulation of the Real Estate sector and also having provisions to have overriding effect as per provision of section 89 of the Act. Due to COVID, the Respondent was allowed 9 months extension by the Authority to complete the project by 30.09.2022. Even after that the Complainants got possession of the flat including execution of Deed of Conveyance on January, 2025. Therefore, they are entitled to get interest due to delay in handing over possession, as per provision of section 89 of Real Estate (Regulation and Development) Act, 2016 and hence, the Authority is hereby pleased to give the following directions:- A. The Respondent shall pay interest on the principal amount of Rs. 17,15,960/- paid by the Complainant at the rate SBI PLR +2% for the period from October 2022 to December 2024 within 45 days from the	

	date of receiving this order of the Authority by speed post or by email, 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 Regulation. With this direction the matter is hereby disposed of. Let copy of this order be served to both the parties immediately.  (BHOLANATH DAS) Member West Bengal Real Estate Regulatory Authority  (TAPAS MUKHOPADHYAY) Member West Bengal Real Estate Regulatory Authority	
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