

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

Complaint No. WBRERA/COM000205

Mrs. Tania Dey and Mr. Nilarya Talukdar..... Complainants

Vs.

Vedic Realty Private Limited..... Respondent No. 1

Mr. Uday Modi..... Respondent No.2

Mr. Raj Kishore ModiRespondent No. 3

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
04 17.01.2025	<p>Complainants are present in the physical hearing today and signed the Attendance Sheet.</p> <p>Advocate Smt. Tanusree Dhar (Mobile - 8981632557 & email Id: tanud87@gmail.com) is present in the physical hearing on behalf of the Respondent, filling Vakalatnama and signed the Attendance Sheet.</p> <p>The Complainants submitted hard copy of their Notarized Affidavit dated 02.04.2024, containing the details of the amount disbursed from the bank to the Respondent in connection with the home loan taken by them regarding this flat, to the Authority, which has been received on 06.05.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>Complainant submitted a Notarized Affidavit dated 16.01.2025 at the time of hearing today, containing the details of the amount disbursed from the bank to the Respondent in connection with the home loan taken by them regarding this flat, serving a copy of the same to the Respondent.</p> <p>Let the said Affidavit dated 16.01.2025 be taken on record.</p> <p>Respondent submitted a Reply to the Show Cause notice at the time of hearing stating that as there was a communication gap between the erstwhile Advocate and the Respondent therefore they were not aware of the orders / directions given by this Authority and therefore they could not comply the same.</p> <p>Let the said Reply to the Show Cause notice be taken on record.</p> <p>Respondent also submitted a prayer to exempt Mr. Uday Modi from personal appearance as he is in a rehabilitation center for moderate depressive episode.</p>	

Let the said Exemption prayer of the Respondent be taken on record.

The Authority is of the considered opinion that sufficient time and reasonable opportunity has been given to the Respondent and non-submission of Affidavit as well as refund schedule and non-payment of a single Rupee by the Respondents clearly indicates that they are completely ignoring the provisions of the RERA Act and the directions / orders of this Authority. The communication gap between Advocate of the Respondents and the Respondents is not an acceptable ground for non-compliance as per this Authority. Also there is no document submitted for non-appearance of Mr. Raj Kishore Modi before this Authority today at the time of hearing.

Therefore, as per this Authority, a Penalty of Rs.5,00,000/- should be imposed upon the Respondents for these non-compliance, as mentioned above.

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

- a) Respondent shall refund the **Booking Amount of Rs.7,50,000/-** to the Complainants within **15 days** from the date of receipt of this order of the Authority through email; and
- b) Respondent shall refund **Rs.5,91,000/-** to the Complainants, which has been paid till date from the home loan account to the Respondent Promoter, within **15 days** thereafter; and
- c) Respondent shall pay the **interest amount** at the rate of SBI PLR +2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realization, within **15 days** thereafter; and
- d) A penalty of **Rs.5,00,000/- is hereby imposed upon the Respondent No.1** for non-compliance of the orders of this Authority dated 21.11.2023, 30.01.2024 and 03.05.2024 and it shall be paid by the Respondent within **45 days** from the date of receipt of this order of the Authority through email in the following Account of WBRERA:-

Account Name: WEST BENGAL REAL ESTATE REGULATORY AUTHORITY.

Account Number: 00000040777384369.

BRANCH: Specialized Institutional Banking, Kolkata.

IFSC Code: SBIN0014524

MICR Code: 700002404.; and

- e) Respondents shall submit a **Compliance Report on Notarized Affidavit** before the Authority within **60 days** from today after Compliance of the above directions; and
- f) If the Respondents fail to comply any/all of the above directions, then Respondent no.2 and 3 shall appear positively **in person** before this Authority on the next date of hearing to explain before this Authority why the Respondent no.1 shall not be marked as **Defaulter** in the WBRERA website; and
- g) Commissioner, Bidhannagar Police Commissionerate shall ensure the presence of the directors of the Respondent no.1 Vedic Realty Pvt. Ltd,

Mr. Uday Modi and Mr. Raj Kishore Modi on the next date of hearing.

Fix **18.03.2025** for further hearing and order.



(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