

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

Complaint No. WBRERA/COM000896

PS. Group Realty Pvt. Ltd. Complainant

Vs.

Tauseef Hossain & Aafreen Hossain..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 24.12.2024	<p>Smt. Taniya Saha (Mob. No.9477007900&email Id:taniyasaha@psgroup.in), being authorized representative of the Complainant Promoter Company is present in the physical hearing on behalf of the Complainant filing authorization and signed the Attendance Sheet.</p> <p>Respondent Mr. Tauseef Hossain (Mob. No. 9331278238 & email Id: tauseefhossain55@gmail.com) along with his Advocate Mr. Abdul Hadi (Mob. No. 7003669827 & email Id: abdulhadihc@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Heard both the parties indetail.</p> <p>As per the Complainant the facts of the case is that the Respondent-Allottees was allotted the unit No. 3-12D in the project 'One 10 Phase - I', being booked by the Respondent-Allottees dated 28.12.2020 by paying the booking plus application amount being Rs.6,81,918/- only for the Unit at and for a total consideration of Rs.61,29,600/- only. Thereafter the Allottees took a home loan from ICICI Bank Limited for the said unit which is still active. The registration for the Agreement for sale was also done by the allottees dated 12.01.2021. The allottees are the constant defaulter in clearing the further payments from their own funds in-spite of our repeated reminders. The termination of the agreement was issued on 12.02.2023. There was no response from them.</p> <p>Complainant prays before the Authority for the following reliefs: -</p> <ol style="list-style-type: none">1. Forfeit the booking amount along with accrued interest as earnest deposit towards the allotment.2. Re-imbusement of the bank loan paid till date.3. GST charges accured.4. Order for cancellation of the registered Agreement. <p>After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give</p>	

the following directions: -

The **Complainant** is directed to submit its total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested copy of supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and scan copies, within **15(fifteen)** days from the date of receipt of this order of the Authority by email.

The Complainant is directed to send the scan copy of his affidavit along with annexure to the email id of the Respondent as mentioned above.

The **Respondent-Allottee** is hereby directed to submit its Written Response on Notarized Affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant, either by post or by email, whichever is earlier.

In spite of the above directions, both the parties are at liberty to take initiative and try for an amicable settlement of the issues between them by mutual discussions and if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both, containing the terms and conditions of the mutual settlement, and send the Affidavit (in original) to the Authority within **30 days** from today and in that case there is no need of submitting separate affidavit(s) by Complainant and Respondent, as per the directions given above.

The Complainant-Promoter shall provide necessary arrangement for visit/inspection of the project site and the flat booked by the Respondent-Allottees and the Complaint shall provide the date and time of the site visit in consultation with the Respondent-Allottees.

Fix **06.03.2025** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority