

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

Complaint No.WBRERA/COM (PHYSICAL) 000079

Nilay Ranjan Kar..... Complainant

Vs


Sanjit Kumar Sen..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 21.08.2024	<p>Complainant Mr. Nilay Ranjan Kar (Mob. No. 9674832552 & email Id:nilayranjan1942@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing today despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complaint Petition:-</p> <p>The facts of the case are that the Complainant made a deed of agreement on 07.10.2013 with the Opposite Party for development of a building at his inherited property at Sarasuna Behala, Ward No. 127, which is known as Saranika Complex, Kolkata - 700 061 and as per deed of agreement, the Opposite Party has failed to give his possession. The said building has been completed in the year 2019, but he paid the Complainant the sum of Rs.2,95,000/- by 4 (four) installment during the 2021 and 2023 through bank. Now the Complainants demand is to get a flat not money.</p> <p>The Complainant prays before the Authority for the following relief(s):-</p> <p>The Complainants claimed relief of getting the possession of a flat and not money from the Respondent.</p> <p>After hearing the Complainant, the Authority is of the considered view that this matter is not maintainable and outside the purview of jurisdiction of this Authority, as per the provisions of the Real Estate (Regulation and Development) Act, 2016 and Rules made thereunder.</p> <p>The Complainant has already received money of Rs.2,95,000/- by 4 installments from the Respondent Developer during the period of 2021 to 2023 as per the Development Agreement dated 07.10.2013. Already the transaction has</p>	


been completed by acceptance of money from the Developer. At this stage the matter cannot be reopened stating that the Complainant wants flat and not money. In this way, the transaction will be never ending. So this Authority is of the considered opinion to dismiss the case.

With the above direction the matter is hereby dismissed.

Let the copy of this order be served to both the parties through speed post and also email immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority