

**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)000024

Nandita Mukhopadhyay

..... Complainant

Vs

Soumita Projects Pvt. Ltd.

..... Respondent

| Sl. Number<br>and date of<br>order | Order and signature of Officer   | Note of<br>action<br>taken on<br>order |
|------------------------------------|--|--|
| 1<br>-----<br>02.02.2023           | <p style="text-align: center;">Complainant is present in the online hearing filing hazira through email.</p> <p style="text-align: center;">Advocate Massooma Khan, Authorized Representative of the Respondent Company is present in the online hearing filing hazira and authorization through email.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p>The Complainant submitted that, she has booked 'a flat on 21.08.2014 in the project named <b>'Kabya'</b> of the Respondent bearing Flat No. 2A in the 2<sup>nd</sup> Floor at Block – 'J' situated at Rajarhat at District- North 24 Parganas, Bishnupur 1 No. Gram Panchayat. As per the Complainant the date of delivery was scheduled on 21.08.2017 but the Respondent failed to deliver the possession of the flat within the stipulated time. The Complainant till date paid Rs. 33,32,800/- (Rupees thirty three lakhs thirty two thousand eight hundred only) to the Respondent Company in this respect. Only Rs. 1,00,000/- (Rupees one lakh only) was refunded by the Respondent till date when refund claimed by the Complainant.</p> <p>In the complaint petition, the Complainant prays for the refund of the balance amount which is Rs. 32,32,800/- (Rupees thirty-two lakhs thirty-two thousand eighty hundred only) along with interest as per RERA Act and Rules.</p> |  |

The Respondent submitted at the time of hearing that, they are giving a proposal for alternate completed flat to the Complainant as per her choice and requirement and the Complainant at the time of hearing submitted that, if the flat is as per her choice and requirement then she will accept that offer.

After hearing both the parties, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission in respect to the complaint petition on a Notarized Affidavit annexing therewith self-attested photo copies of supporting documents and send the original to the Authority and a copy of the same to the Respondent, both in hard and soft copies within seven (07) days from the date of receipt of this order.

The Respondent is directed to submit its Written Response on a Notarized Affidavit annexing therewith supporting documents and send it to the Authority as well as to the Complainant in both hard and soft copies within seven (07) days from the date of receipt of the Affidavit of the Complainant.

Both Complainant and Respondent are hereby given time of 45 (forty-five) days from the date of receipt of this order to come to a conclusion regarding the proposal of the Respondent of allotting the Complainant an alternative completed flat as per her choice. If they come to a mutual agreement in this matter both of them will submit a Mutual Affidavit to that respect to the Authority, stating that the Respondent has offered an alternative completed flat to the Complainant as per satisfaction of the complainant and complainant has accepted it.

Fix next date of hearing on **28/03/2023** at **12.00** noon in this matter.



(SANDIPAN MUKHERJEE)

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