

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

Complaint No. WBRERA/COM000200

Tuhin Pandit..... Complainant

Vs.

Tiru Fine Residency LLP..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>27.09.2023</u>	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent despite due service of notice of hearing to the Respondent by speed post and email.</p> <p>Let the track records 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 Complainant he has regularly paid the demands in time made by the Respondent Promoter Company until the delivery date in May 2022 of the possession of the flat booked by him complete in all respect to the Complainant. But the Respondent failed to give delivery of the possession of the flat within the scheduled time line and sent the Complainant cancellation letter instead of replying the queries of the Complainant made through email. The Respondent also sent the Complainant Rs.50,000/- as process of initiation of cancellation with full amount.</p> <p>Complainant prays for the relief of cancellation alongwith compensation as per RERA Act and Rules and also the flat rent, he is paying from June 2022 (Rs.1,20,000/- per year), until the disposal of this matter.</p> <p>Complainant stated at the time of hearing that at the time of lodging the Complaint he sought for cancellation of the booking of the flat alongwith compensation but after careful re-consideration, he changed his mind and he is willing to take the possession of the flat alongwith interest for delay. He prayed for necessary amendment in the Complaint Petition in this regard</p>	

Considered and granted the prayer of the Complainant and he is directed to make his total submission and his changed prayer for relief in a Notarized Affidavit as directed hereinafter.

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions of 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 the following directions:-

The Complainant is directed to submit her total submission regarding her 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 original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from today.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested / self attested supporting documents, if any, and send the original affidavit to the Authority serving a copy of the same to the Complainant, both in hard and soft 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.

Fix **21.12.2023** for further hearing and order.

Sd/-
(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-
(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-
(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be True Copy

Sd/-
27.09.2023

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Special Law Officer
West Bengal Real Estate Regulatory Authority