

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

Complaint No. WBRERA/COM000334

Sudip Kumar De Complainant

Vs.

Joydeep Majumder..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 16.10.2023	<p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing despite due service of hearing notice 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 Complainant he has booked a flat bearing No. 3E in the project named 'Southern Sky' project of the Respondent situated at Holding No. 2100, Dakshin Kumrakhali under ward no.27, J.L. no.48, at Mouza - Kumrakhali, P.S. Sonarpur (at present Narendrapur), District- 24 Parganas South, under Rajpur - Sonarpur Municipality, on 12.04.2021 and Agreement For Sale was signed between the parties on 12.04.2021. Total cost of the said flat is Rs.44,27,400/- and the total payment made by the Complainant till date is total cost of the flat i.e. 44,27,400/-. In the sale agreement, it was agreed between the parties that possession of the flat will be delivered within nine (09) months from the date of Agreement i.e. on or before 12.01.2022 (Item no.3 (v) at page-7) and it is also clearly mentioned in the sale agreement that in case the developer fails to give possession to the Complainant by the above mentioned possession date i.e. 12.01.2022, the Respondent shall pay interest on the amount paid as per prevailing banking interest rate per annum to the Complainant (Item no.8 (iii) at page-10).</p> <p>Inspite of several requests made by the Complainant to the Respondent,</p>	

the said flat is not yet completed and not ready for possession. Moreover, the Respondent failed to provide documents required by SBI to approve the Home Loan from SBI. The Respondent forced the Complainant to take loan from LIC HFL through their own channel and registered the flat in the name of the Complainant citing that without registration, LIC HFL will not disburse the loan and with a promise that the Respondent will handover possession within one month from the date of registration but again the Respondent failed to keep his promise and possession not yet handed over.

The Complainant prays before the Authority for the following reliefs:-

- a) To complete the project immediately.
- b) To deliver the possession of the flat without further delay, as it is already delayed by 01 year 06 months.
- c) To pay the Complainant the accrued interest on the amount of money paid @10% or higher (as per provisions of RERA Act) per annum as per item no.8 (iii of the Agreement For Sale).
- d) To provide the rent of the alternate accommodation where the Complainant is forced to stay due to delay in delivery of possession @12000/-per month as compensation for the period of delay i.e. from 12.01.2022 to till date of delivery of possession.
- e) Any other relief the Complainant is entitled to receive.

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 his 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 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.

Complainant is further directed to make a prayer in his Affidavit to include '**Senco Infrastructure Pvt. Ltd.**' which is the name of the Company of the Respondent / Developer as another Respondent in the present matter.

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 **29.11.2023** 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

Certified to be true copy:

date

16.10.2023

Special Law Officer
West Bengal Real Estate Regulatory Authority