

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 000133

Sohail Shaikh ..... Complainant No.1

Sirajuddoullah Shaikh .....Complainant No.2

Vs.

Reliable Construction Company (Civil Contractor)..... Respondent no.1

Sk. Azem Ali..... Respondent no.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
3 <u>12.09.2023</u>	<p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Narendra Nath Maity (Mob. No.9748926983) is present in the physical hearing on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>The Respondent submitted Written Response on Notarized Affidavit dated 14.08.2023, as per the last order of the Authority dated 14.08.2023, which has been received by this Authority on 16.08.2023.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Complainant submitted a Rejoinder on Notarized Affidavit dated 19.08.2023, as per the last order of the Authority dated 14.08.2023, which has been received by this Authority on 28.08.2023.</p> <p>Let the said Rejoinder on Notarized Affidavit of the Complainant dated 19.08.2023 of the Complainant be taken on record.</p> <p>Heard both the parties in detail.</p> <p>Complainant stated that he has already received Rs.4,00,000/- out of the total Principal Amount of Rs.14,00,000/- paid by him.</p> <p>Respondent stated that he require some more time to make the refund and prayed for necessary permission in this regard.</p> <p>After hearing both the parties and after examination of the Affidavits submitted by both the parties, the Authority is pleased to give the following directions :-</p>	

- a) Let **Reliable Construction Company (Civil Contractor)** be included as Respondent no. 2 in the present matter because Sk. Azem Ali is proprietor of Reliable Construction Company (Civil Contractor) and he signed the Agreement For Sale with the Complainant in this capacity ; and
- b) Respondent is directed to submit a Payment Schedule on Notarized Affidavit, specifying the date and amount of each instalments, by which they will make refund of the remaining Principal Amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) alongwith interest at the rate of SBI PLR +2 % per annum, calculated on the total Principal Amount of Rs.14,00,000/-, for the period starting from the respective dates of payments made by the Complainant till the date of realization and the said Affidavit shall be sent to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 days from the date of receipt of this order of the Authority through email; and
- c) Respondent is further directed to complete the refund of the remaining Principal Amount of Rs.10,00,000/- within January, 2024 in 2 or 3 instalments and he shall complete the payment of the interest amount within March, 2024 in 2 or 3 instalments ; and
- d) Respondent is also directed to start payment as per the above directions given at (a) and (b) above; and
- e) If the Respondent fails / neglects to comply the above order of the Authority, penalty may be imposed upon the Respondent as per the section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016, if the Authority thinks fit to do so on the next date of hearing.

The Authority shall review the matter on the next date of hearing.

Fix **06.02.2024** for further physical hearing and order



(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