

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

Complaint No. COM 000236 (erstwhile WBHIRA)

Kalpana Roy..... Complainant

Vs

Surajit Chanda and others Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
09 22.05.2025	Complainant is present in the hearing today physically signing the Attendance Sheet. Respondent is absent in the hearing today despite due service of the hearing notice through email. Heard the Complainant in detail. Complainant stated that he booked a Flat, bearing Flat No. 2 on the 1st Floor, measuring a Super Built-up area of 850 Sq. ft, Holding No. 27/1 Kalibari Road (extension), Kolkata -700131 and Agreement for Sale was signed on 26.04.2019. The Complainant also paid Rs. 300000/- (three lakh) in advance on date of Agreement for Sale i.e. 26.04.2019. As per Agreement for Sale, the said flat was supposed to be delivered to the Complainant by 25.12.2019 with Completion Certificate and execution of Deed of Conveyance. The Respondent in his Affidavit dated 22.05.2024 stated that the OC of the said building has been received by him on 18.12.2020 from the concerned Municipality and accordingly he submitted copy of the same which is not self-attested by the Respondent. After a series of hearing in different dates, going through Affidavits of the Complainant and the Respondent along with all annexures attached with the Affidavits and oral submission, the Authority is of opinion that the Respondent company miserably failed to give possession of the flat to the Complainant within the scheduled date as per Agreement of sale without any fault on the part of the Complainant.	

Therefore, the Authority is hereby pleased to give the following directions:-

The Respondent company shall refund the entire principal amount of Rs. **300000/- (three lakh)** received from the Complainant along with the interest at SBI PLR +2 % from the date of payment of principal amount by the Complainant till the date of refund of the same by the Respondent. The refund must be completed within **45 (forty-five) days** from the date of receipt of this order of the Authority.

The Complainant shall send to the Respondent the details of bank account through which, he wants to receive the amount within **7 (seven) days** from the date of receipt of this order of the Authority.

With this direction the case is hereby disposed of.

The Complainant is at liberty to file an Execution Application before the Authority as per the provision of Execution Regulation.

Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority