

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

Complaint No. COM 000560 (Erstwhile WBHIRA)

Rupa Das.....Complainant
Vs

M/s. Cancun Construction Respondent 1
India Bulls..... Respondent 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 21.05.2025	Complainant is present in today's hearing physically filing Hazira and signed the Attendance sheet. Both the Respondents No. 1 & 2 are absent today despite due service of the hearing notice through email. Heard the Complainant. He stated that as per order of the Authority dated 15-01-2024, he sent a copy of notarized Affidavit to both the Respondents. Respondent No. 2 submitted a notarized Affidavit stating that he is in no way connected with the construction of the project, signing of Agreement for Sale, receipt of any fund from the Complainant. He also stated that Complainant herself is well conversant with the works and role of Respondent No. 2 in the entire context but despite knowing everything the Complainant inducted the Respondent No. 2. In this context the Complainant stated that, the Agreement for sale was signed by the promoter company, Cancun Construction and the entire payment was received by the said developer. Hence Respondent No. 2 prayed for exclusion of them from this complaint petition. In spite of earlier order, dated 15-01-2024, wherein the Respondents were informed that in case of their absence on next date of hearing the matter will be heard Ex-parte. But the Respondent No. 1 neither submitted Affidavit nor attended today's hearing. Hence the matter is heard Ex-parte and the Authority is pleased to give the following directions:- The Respondent is directed to refund the Complainant, principle amount of Rs.1390000/- along with interest at the rate of SBI PLR +2% to	

be calculated from the date of payment of principal amount by the Complainant till the date of refund, as per provision of section 18 of the Real Estate (Regulation and Development) Act, 2016.

The entire amount shall be refunded by the Respondent within **45 (forty-five) days** from the date of receipt of this order by post or email whichever is earlier.

The Complainant will send his Bank Account particulars to the Respondent for enabling him to make the refund through Bank transfer within **7 (seven) days** from the date of receipt of this order of the Authority.

In case of non-compliance by the Respondent, the Complainant is at liberty to file an Execution Application before the Authority as per the Execution Regulation.

Respondent No.2 is hereby relieved from the instant case on the basis of Affidavit submitted by them.

With this direction, the matter is hereby disposed of.

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