

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

Complaint No.WBRERA/COM (PHYSICAL)000039

Sushobhan Paul

..... Complainant

Vs

Amitabh Roy and Sonartori Projects

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 20.04.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Masooma Khan is present on behalf of the Respondent filing hazira and Authorization through email.</p> <p>The Respondent has submitted his Written Response on a Notarized Affidavit which has been received by the Authority on 05.04.2023.</p> <p>Let the Written Response of the Respondent be taken on record.</p> <p>The Complainant did not receive the copy of the Written Response from the Respondent.</p> <p>The Respondent is directed to send a copy of the Written Response to the Complainant, both in hard and soft copies, within 3 (three) days from the date of receipt of this order of the Authority by email.</p>	

After careful consideration of the Affidavits of the both the parties and statement of the parties at the time of hearing, the Authority is of the considered view that the Respondent failed to deliver the possession of the flat within the time frame given in the Agreement for Sale. Respondent already refunded Rs.3,30,000/- (Rupees three lakhs thirty thousand only) to the Complainant.

The Respondent is under obligation as per section 18 of the Real Estate (Regulation and Development) Act, 2016 and the rules made thereunder to give refund of the balance amount of Rs.7,70,000/- (Rupees seven lakhs seventy thousand only) alongwith interest as per RERA Act and Rules as he has defaulted in his obligation to deliver the possession of the flat booked by the Complainant within the stipulated time period as mentioned in the Agreement for Sale and as agreed between the parties.

Hence it is hereby,

ORDERED

that the Respondent shall make refund of the balance amount of Rs.7,70,000/- (Rupees seven lakhs seventy thousand only) along with interest @ **SBI Prime Lending Rate + 2% p.a.**, for the time period starting from the respective date of payments made by the Complainant till the date of realization.

The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of receipt of this order of the Authority by email.

The Complainant shall provide his bank account details, in which he wants to take the refund amount, to the Respondent within 3 (three) days from the date of receipt of this order of the Authority by email.

Let copy of this order be served to both the parties by speed post and also by email immediately.

With the above directions, the matter is hereby disposed of.



(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