

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

Complaint No. WBRERA/COM000760

Ambuja Neotia Teesta Development Pvt. Ltd..... Complainant

Vs

Mr. Ajoy Kumar Jajodia..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 08.04.2024	<p>Mr. Piyush Singhania, Authorized Representative of the Complainant Promoter Company (Mob. No. 9903065669 &amp; email Id: piyush.singhania@ambujaneotia.com) of the Complainant Promoter Company is present in the physical hearing on behalf of the Complainant and signed the Attendance Sheet.</p> <p>Respondent-Allottee (Mob. No. 9434077741, email - ajayjajodia77741@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant:-</p> <p>1. The Respondent applied for allotment of a commercial plot, being plot no. UIF-2/5, having plot area 4.64 cottah (equivalent to 310.47 sq.mt.), situated in R.S. Dag No.(s). 64(P) and 121(P) of RS Sheet No. 16 (corresponding to L.R. Dag No(s) 15 and 16(P) of LR Sheet No. 192), R.S. Khatian No. 1831 (corresponding to L.R. Khatian No. 7) at Mouza Dabgram, J.L. No. 2, Block Rajganj, New Jalpaiguri, Police Station - New Jalpaiguri (formerly, Bhaktinagar), Post Office - Satellite Township, District - Jalpaiguri, Pin - 734015, West Bengal, India (said plot) in Utsodhaara: Teesta UIF Plots Phase-III.</p>	

2. By virtue of an allotment letter dated 29.11.2021, the Respondent was allotted the said plot.
3. Pursuant to the allotment and upon receiving the Booking amount of Rs.14,81,088/-, an Agreement for Sub-Lease dated 28.12.2022 was duly executed by the parties and registered.
4. The Respondent failed and neglected to pay 9 nos. of consecutive invoices/demands notices raised by the Complainant in terms of the payment plan of the Agreement for Sub-Lease.
5. Due to non-payment of the demands/invoices, the Complainant sent notices(s)/reminder(s) to the Respondent, which remained unanswered, and no payment was made to the Complainant.
6. The Respondent, therefore, was in clear default in terms of clause 9.3 (ii) of Agreement for Sub-Lease.
7. Ultimately, the Complainant issued a notice for cancellation of the Agreement for Sub-Lease to the Respondent with 30 days clear notice in terms of clause 9.3(ii) of the Agreement for Sub-Lease.
8. Since the Respondent neither replied to the letter nor paid the dues within the notice period, the Agreement for Sub-Lease stood terminated, and the allotment was cancelled.
9. Total amount of dues is Rs.1,46,78,276/-with interest in terms of the Sub-Lease.

In this Complaint Petition, the Complainant-Promoter Company prays the following reliefs before the Authority :-

- (i) To record the allotment of Unit No. UIF-2/5 as cancelled before the Authority;
- (ii) To issue direction upon the Respondent to pay the amount of shortfall i.e. Rs.28,74,928/-;
- (iii) To allow the Complainant sign, execute and register a unilateral Deed of Cancellation in respect of the registered AFSL since it is a legal requirement that a registered agreement can be cancelled only a registered deed of cancellation;
- (iv) To direct the concerned Registrar to register unilaterally the Deed of Cancellation in respect of the Said Plot.
- (v) To permit the Complainant re-allot the said plot to any

prospective allottee(s);

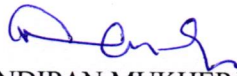
(vi) To pass such other orders as the Authority may deem fit and proper in the interest of justice.

After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in 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-Promoter is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

The Respondent-Allottee 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 Affidavit (in original) 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.

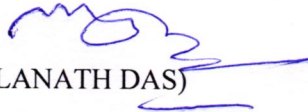
Fix **04.06.2024** for further hearing and order.



(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