

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/COM000780

Ambuja Housing and Urban Infrastructure Co. Ltd..... Complainant

Vs

Barunendra Bachar & Rana Basak..... Respondents

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 Singhanian, Authorized Representative of the Complainant Promoter Company (Mob. No. 9903065669 &amp; email Id: piyush.singhanian@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 is absent in the physical hearing today despite due service of hearing notice to the Respondent through speed post and also through email.</p> <p>Let the track record of the due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant:-</p> <ol style="list-style-type: none"><li>1. The Respondent applied for allotment of residential apartment, being Apartment No. URV0201B, having carpet area of 735 sq.ft., alongwith an exclusive balcony area of 116 sq.ft. on the 1ST floor, of Block No. B (Dwitiya), Type-B of the '<b>Urvisha - The Condoville</b>' alongwith 1 (one) open on ground level car parking space.</li><li>2. By virtue of an allotment letter dated 20.04.2022, the</li></ol>	

Respondent was allotted the Apartment.

3. Pursuant to the allotment and upon receiving the Booking amount of Rs.9,79,860/-, an Agreement for Assignment dated 21.10.2022 was duly executed by the parties and registered.
4. The Respondent failed and neglected to pay 6 nos. of consecutive invoices/demands notices raised by the Complainant in terms of the payment plan of the Agreement for Assignment.
5. The Respondent, therefore, was in clear default in terms of clause 9.3 (ii) of the Agreement for Assignment.
6. Ultimately, the Complainant issued a letter of termination of the Agreement for Assignment to the Respondent with 30 days clear notice in terms of clause 9.3(ii) of the Agreement for Assignment.
7. Since the Respondent neither replied to the letter nor paid the dues within the notice period, the Agreement for Assignment stood terminated, and the allotment was cancelled.
8. Total amount of dues is Rs.53,06,503/-with interest in terms of the Agreement for Assignment.

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

- (i) To record the allotment of Unit No. URV0201B as cancelled before the Authority;
- (ii) To issue direction upon the Respondent to pay the amount of shortfall i.e. Rs.5,90,331/-;
- (iii) To allow the Complainant sign, execute and register a unilateral Deed of Cancellation in respect of the registered Agreement for Assignment since it is a legal requirement that a registered agreement can be cancelled only by a registered deed of cancellation;
- (iv) To direct the concerned Registrar to register unilaterally the Deed of Cancellation in respect of the Apartment.
- (v) To permit the Complainant re-allot the said apartment to any prospective allottee;
- (vi) To pass such other orders as the Authority may deem fit and proper in the interest of justice.

After hearing the Complainant i.e. Promoter Company, 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