

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

Complaint No. WBRERA/COM000269

Sulekha Das & Subrata Das..... Complainants

Vs

M/s N.K. Construction..... Respondent no.1

Bharat Chandra Mondal..... Respondent no.2

| Sl. Number and date of order | Order and signature of Authority | Note of action taken on order |
|------------------------------|---|-------------------------------|
| 01 22.03.2024 | <p>Complainant (Mob. No. 7584809817 & mail Id:- sulekhadas957@gmail.com) is present in the physical hearing today and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing despite due service of hearing notice to the Respondent through speed post and also by 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 Complaint Petition ,the Complainant has purchased a new flat being No. A at Block-D in the south side of the said building having built-up area of approx. 1034 Sq.ft. on the 2nd floor of a Project of the Respondent more or less of a total consideration value of Rs.23,00,000/- (Rs. twenty three lakhs) only which is developed by N.K. Constructions whose proprietor of Bharat Chandra Mondal in the project named as 'Manisha Apartment'. The Agreement for Sale has been executed between the two parties. They have paid total of Rs.10,00,000/- out of total consideration money of Rs.23,00,000/-. Balance consideration money shall be paid at the time of registration of Sale Deed or final Sale Deed which was scheduled to be executed within six months from the execution of the Agreement for Sale on 30.07.2019. Till now the Respondent has not delivered the possession of the flat to the Complainants nor he has refunded the money.</p> <p>In this Complaint Petition they prayed before the Authority for the relief of refund of the entire money paid by him alongwith interest or immediate possession of the Property.</p> <p>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</p> | |

following directions:-

Let the name of **Shri Subrata Das** be included as a Joint Complainant as he is joint Allottee and therefore a necessary party and henceforth in all the records and communications of this matter, his name shall be recorded as a Complainant.

Let **M/s N.K. Construction** be included as **Respondent no.1** as it is a necessary party and Shri Bharat Chandra Mondal be referred as Respondent no.2 and henceforth in all the records and communications of this matter, this corrections and inclusions shall be recorded.

The Complainant 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 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.

The Respondent is directed to submit his affidavit within the stipulated timeline as directed above, failing which, no more chance/time shall be given to the Respondent to file the Written Response, for the ends of speedy disposal of the justice. If the Respondent remains absent even on the next date of hearing, this Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter on the next date of hearing.

Fix **28.06.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority