

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

Complaint No.WBRERA/COM 000760

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
04 25.06.2025	<p>Shri Rakesh Ranjan, Assistant Vice President and Ms. Moumita Kundu, Sr. Manager Legal (Mob. No. 9903844131 and email Id: moumita.kundu@ambujaneotia.com) are present in the physical hearing on behalf of the Complainant filing Authorization and signed the Attendance Sheet.</p> <p>Advocate Puja Beriwal (Mobile no:- 9836092202 and email pujaberiwal@yahoo.com) and Advocate Sovan Bera are present in physical hearing today on behalf of the Respondent and signed the Attendance Sheet.</p> <p>The Complainant submitted their rejoinder Affidavit which has been received on 15.05.2025.</p> <p>Heard both the parties in detail.</p> <p>The Respondent stated that he applied for allotment of a plot in the project "Utsodhara Teesta Township Project, phase III", received the allotment letter on 29.11.2021 and following the allotment an agreement for sub-lease was executed and registered on 28.12.2022, after making payment of Rs. 14,81,088/-.</p> <p>The Respondent stated that at the time of registration of the Agreement sub-lease dated 28.12.2022 the Respondent was not made aware of the proximity of the Mahananda River to the project site. It was only later, upon further investigation and visits to the project site, the Respondent discovered the river's adjacency and as result the Respondent was unwilling to invest further money into the project and decided for cancellation.</p> <p>The Complainant stated that the allotment of the said plot has been done in the year 2021 and subsequently, Agreement for sub-lease was executed in between the parties comprising of all the terms and conditions including the plans attached to showing the location of the said project. The Complainant also stated that the land of the "Township Utsodhara" which comprises the project as well as</p>	

the said plot was approved by the Siliguri-Jalpaiguri Development Authority taking into account of all these aspects pertaining to the Mahanada River, its embankments, the course of the river and erosion caused thereby. The Complainant also stated that there are other plots in the township which are much nearer to the Mahanda River but the allottees there have already taken possession of their respective allotted plots.

After hearing both the parties and going through the Affidavit and other documents, the Authority is of opinion that before signing the Agreement for sub-lease the Respondent has satisfied himself about all legal incidents and matters in relation to it. The project was developed under the Siliguri-Jalpaiguri Development Authority and being the Government Organization and Competent Authority in sanctioning this project, they are supposed to cover and verify all aspects incidental to the project. So plea of the Respondent is not tenable and provision of the Agreement for Sale signed between both the parties is applicable here.

Now the Authority is pleased to give the following directions:-


- a) The Complainant is allowed to cancel the allotment of Plot no.UIF-2/5 and refund the amount money paid to him, by the Respondent by deducting the booking amount as per provision of clause 9.3 of Annexure A of the WBRERA Rules, 2021 and the Agreement for Sale signed between the parties shall thereupon stand terminated.
- b) The Complainant is further allowed to sign execute and register a unilateral deed of cancellation in respect of the registered Agreement for Sale.
- c) After cancellation of the Agreement and de-registration of the Agreement for Sale and termination of the Allotment of the Respondent Allottee, the Complainant shall be at liberty to allot the same to any other Person.

With the above directions the instant 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