

Draft

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

Complaint No. WBRERA/COM 001637

Prosenjit Sarkar..... Complainant

Vs

Merlin Ganges Projects Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 08.04.2026	<p>Complainant, Mr. Prosenjit Sarkar (mobile no:- 7003842921 and email id:- prosenjit.sarkar@yahoo.co.in) along with his wife Mrs. Jaya Sarkar is present in today's hearing physically and signed the attendance sheet.</p> <p>Ms. Prachi Gourisaria (email:- prachi.gourisaria@merlinproject.com) and Ms. Samanya Sengupta being the Authorized Representatives of the Respondent Company is present in today's hearing on behalf of the Respondent physically by filing authorization and signing the attendance sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant he along with his wife Mrs. Jaya Sarkar entered into an Agreement for Sale with the Respondent on 23.11.2020 to purchase an apartment in the project "Element Phase-I", which was supposed to be completed by June,2023. But, after several extensions the flat was handed over to the Complainants on 25.10.2025. The completion certificate for the said project was obtained by the Respondent on 01.08.2025. There is a delay of 853 days in handing over the apartment booked by the Complainants in handing over the possession of the same by the Respondent.</p> <p>Complainant prays before the Authority for direction upon the Respondent to pay interest at the rate of SBI MCLR plus 2% to the Complainant on their invested money for procuring the flat due to delay in handing over the possession by the Respondent as per terms and condition of Agreement for Sale and also as per provision of Real Estate (Regulation and Development) Act, 2016. The Complainant also prayed for compensation for mental harassment due to excessive delay in handing over the flat.</p> <p>After hearing the Complainant, 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: -</p> <p>A. Let Mrs. Jaya Sarkar be included as Joint-Complainant in this</p>	

complaint matter, being the Joint-Allottee of the flat purchased by them and a prayer be made in this respect in the Affidavit submitted by both the Complainants.

- B. The Complainants shall submit their total submission regarding the 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 **4 (four) weeks** from the date of receipt of this order of the Authority by email.
- C. The Respondent shall submit their 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 same (in original) to the Authority serving a copy to the Complainant, both in hard and soft copies, within **4 (four) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix after **6(six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority