

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/COM(PHYSICAL)000032

Square Four Housing and  
Infrastructure Development Pvt. Ltd.

.....Complainant

Vs.

Rubi Koyal

.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 24.04.2023	<p>Mr. Piyush Singhanian is present in the online hearing as Authorized Representative of the Complainant (Square Four Housing and Infrastructure Development Pvt. Ltd.).</p> <p>Respondent is absent despite due service of notice.</p> <p>Complainant submitted a Notarized Supplementary Affidavit as per the last order of the Authority dated 13.03.2023.</p> <p>Let the Supplementary Affidavit of the Complainant be taken on record.</p> <p>In the Point No. 6 of the Supplementary Affidavit the Complainant stated that, - "despite several notices, reminders, the default in payment by the Respondent continued for a period beyond 21 months from the expiry of due dates of demands/invoices. Hence, upon giving 30 days' notice to the Respondent, the allotment was cancelled by the Complainant and the same was informed to the Respondent, vide letter dated 28.12.2022. On such cancellation, an amount of Rs.13,13,290/- (Rupees thirteen lakhs thirteen thousand two hundred ninety) only has been forfeited towards booking amount plus GST (already paid to the department) plus interest liability till 28.12.2022 in terms of the Agreement for Sale. It is pertinent to mention here that an amount of Rs.13,13,290/- which was forfeited by the Complainant, had a shortfall of Rs.9,89,741/- (Rupees nine lakhs eighty-nine thousand seven hundred forty-one) only towards receivables from the Respondent".</p>	

The breakup of the above amount of Rs.13,13,290/-and also reason for shortfall of Rs.9,89,741/-have not clearly mentioned in the Affidavit and Supplementary Affidavit of the Respondent.

As per the RERA Act and Rules as given in the Annexure-'A' of the West Bengal Real Estate (Regulation and Development) Rules, 2021 at Clause No. 9, it is provided that –

“In case of Default by Allottee under the condition listed above continues for a period beyond consecutive months after notice from the Promoter in this regard, the Promoter shall cancel the allotment of the (Apartment/Plot) in favour of the Allottee and refund the amount money paid to him by the allottee by deducting the booking amount and the interest liabilities and this Agreement shall thereupon stand terminated”.

At the time of hearing, the Respondent could not give the breakup of the amount of Rs.13,13,290/-and also could not give the explanation for shortfall of Rs.9,89,741/-.

Therefore the Complainant is hereby directed to give a breakup of Rs.13,13,290/-which was forfeited by them and explanation for the shortfall of Rs.9,89,741/-and to submit the same on a Notarized Affidavit and send it to the Authority, serving a copy of the same to the Respondent, both in hard and soft copies, within 7 (seven) days from the date of receipt of this order of the Authority by email.

It may be mentioned here that only the amount as specified by RERA Act and Rules can be forfeited by the Complainant but not more than that.

The Respondent is hereby directed to submit his Written Response on a Notarized Affidavit, serving a copy of the same to the Complainant, both in hard and soft copies, as per the last order of the Authority dated 13.03.2023, within 7 (Seven) days from the date of receipt of this order of the Authority by email,

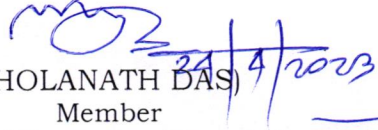
The Respondent is hereby given the last chance to file the Written Response in this matter. If he fails to appear on the next date of hearing, this matter may be heard and disposed of ex-parte by the Authority on the next date of hearing.

The Respondent is further informed that, his booking may be cancelled and booking money along with interest liability and GST amount (if already paid to the department) may be forfeited, if he fails to appear and present his case on the next date of hearing.

Fix 17.05.2023 for next date of hearing and order.

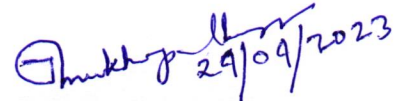


(SANDIPAN MUKHERJEE)  
Chairperson  
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)  
Member

(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority