

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

Complaint No. WBRERA/COM (PHYSICAL)000075

Arup Laha & Debjani Laha. Complainants

Vs

Siddha Real Estate Development Private Limited....Respondent No. 1

Eden Realty Ventures Private Limited Respondent No. 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 07.06.2024	<p>Complainant (Mob. No. 9830043244 & email Id: aruplaha13@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Smt. Rituparna Sengupta (Mob. No. 8972416855 and email ID: rituparna@siddhagroup.com) is present in the physical hearing on behalf of the Respondent No.1, being its legal executive, filing authorization and signed the Attendance Sheet.</p> <p>Advocate Sanjay Bhattacharya (Mob. No. 8442968273 and email ID: sanjib240576@gmail.com) is present in the physical hearing on behalf of the Respondent No.2 filing Vakalatnama and signed the Attendance Sheet.</p> <p>Heard all the parties in detail.</p> <p>As per the Complaint Petition,-</p> <ol style="list-style-type: none">1. The Complainants have booked a flat bearing no.PRO2405 on the 24th floor in Block / Building no. 1N, (Namely Promenade) of the project named as 'Siddha Eden Lake Ville' of the Respondent no.1 Siddha Real Estate Development Private Limited and Agreement for Sale was signed between the parties on 02.06.2017. The handover of the said flat alongwith one car parking space was scheduled to be held by August' 2020 as promised by the Respondent no.1.2. The flat was delayed and the said flat was handed over for possession on 11.05.2023 and car parking space on 09.08.2023.3. No relief was given for the Covid pandemic nor was delay explained by	

the Respondents.

4. A) Rs.35,00,000/- was taken for "spend now save more" scheme with a promise to give 15% annual interest till last installment payment.
B) 15% interest payment was stopped, unilaterally without intimation from 07.01.2022.
C) No interest was paid after 07.01.2022.
D) the remaining principal with interest was not refunded.
5. 1% tax on the value of flat was not paid by Siddha. The Complainants had to pay the tax. On 31.05.2023 on information and repeated request, it was refunded without interest on 09.12.2023.
6. Last installment of Rs.28,980/- was paid on 21.03.2023.
7. Repeated emails were not answered by the Respondents.

The Complainants pray before the Authority for the following relief(s):-

- a) 15% interest payment from 08.01.2022 till handover of the flat.
- b) Compensation for delayed handover from august 2020 till 11.05.2023 (Delay of 2 years 9 months).
- c) Interest on delayed refund of 1% TDS from 29.03.2023 to 09.12.2023.

At the time of hearing the Complainant was informed by the Authority that granting of compensation is not within the purview of this Authority. The Complainants have to apply before '**Adjudicating Officer**' praying for compensation as per Form - 'N' and the Adjudicating Officer shall be appointed shortly in due course by the Authority.

Complainant stated that he was not aware that granting of compensation is not within the purview of this Authority therefore he is now claiming for delay interest for the delay period in getting the possession of the flat, as per the provisions of RERA Act and Rules and he will submit his claim in this regard in an Affidavit.

Advocate Bhattacharya on behalf of Respondent no.2 stated that Respondent no.2 is no way liable in this matter. Here Respondent no.1 is the Promoter-Developer and delay, if any, has been happened then Respondent no.1 is liable for it and Respondent no.2 is no way liable for this delay.

He was directed to submit his objections in an Affidavit at the time of hearing.

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 following directions:-

The Complainants are directed to submit their 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 scan copies, within **15 (fifteen)** from the date of receipt of this order of the Authority by email.

The Respondents are hereby directed to 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 Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and scan 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 **09.08.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority