

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

Complaint No. COM000011

Moniruddin Mandal .....Complainant

Vs.

Tapas Kumar Bhagat..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution (06) ----- 03.10.2024	<p>Complainant (Mobile- 9732144725 and moniruddin0007@gmail.com) is present in the physical hearing today and signed the Attendance Sheet.</p> <p>Advocate of the Respondent Ms. Taniya Mondal (Mobile - 8282943851 and email - <a href="mailto:taniyamondal201509@gmail.com">taniyamondal201509@gmail.com</a>) &amp; Mr. Rajib Roy (Mobile - 7044722722 and email - <a href="mailto:rajib722@outlook.com">rajib722@outlook.com</a>) are present in the physical hearing today and signed the Attendance Sheet.</p> <p>Mrs. Sharmistha Bhagat wife of the Respondent Mr. Tapas Kumar Bhagat is present in the physical hearing today on behalf of the Respondent &amp; signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>In the last order dated 26.09.2024, the Respondent Mr. Bhagat was directed to appear in person before the Authority today. He is not present today, his wife Mrs. Bhagat is present before the Authority.</p> <p>Mrs. Bhagat stated that her husband is presently occupied with the medical treatment of his father-in-law who is a cancer patient and therefore he could not appear in person before the Authority and she also prayed that they require some more time to refund the amount to the Complainant alongwith interest.</p> <p>Advocate of the Respondent stated that there is an appeal pending before the Hon'ble West Bengal Real Estate Appellate Tribunal (WBREAT) and due to the pendency of the appeal they could not make payment.</p>	

This Authority took serious exception to the fact that the Respondent tried to mislead this Authority by making misrepresentation before the Authority because as per the records of this Authority, the Appeal filed against the final order dated 29.05.2019 passed by the erstwhile WBHIRA was dismissed by the erstwhile Hon'ble WBHIAT on 02.01.2020 in Appeal No. HIAT/Appeal - 009/2019, in the matter of Tapas Kumar Bhagat Vs Moniruddin Mandal.

The Respondent is hereby warned by this Authority not to make this type of misrepresentation / misleading with this Authority in future.

Even after dismissal of the said Appeal on 02.01.2020, the Respondent did not comply the final order dated 29.05.2019 passed by erstwhile WBHIRA. The Respondent moreover sold the flat, booked by the Complainant, to a third party named Mr. Nani Gopal Majumdar and conveyance deed was executed on 18.10.2016 as recorded in detail in order no.3 (in execution) dated 12.03.2024 passed by this Authority.

As the flat booked by the Complainant already transferred and registered in favour of a third party, the Authority directed the Respondent to refund the Principal Amount of Rs.17,43,300/- alongwith interest as per RERA Act, 2016 to the Complainant in its order no.3 (in execution) dated 12.03.2024.

Even after getting the opportunity of making refund within 90 days from 19.06.2024, the Respondent did not make payment of a single rupee to the Complainant.

After hearing both the parties, the Authority is of the considered opinion that as the Respondent is presently occupied with medical treatment of his father-in-law and wife of the Respondent today prayed before the Authority for some time to make the refund, therefore, as a last chance to the Respondent, he can be given time upto 30.11.2024 to make refund of the Principal Amount of Rs.17,43,300/-.

Hence, it is hereby

**ORDERED**

- a) That the Respondent shall make payment of the Principal Amount of **Rs.17,43,300/-** in **2-3** installments **within 30.11.2024** and **first installment** shall be paid **within 15 days** from the date of receipt of this order of the Authority through email and the payment shall be made by bank transfer to the bank account of the Complainant; and
- b) Complainant shall send his bank account details to the

Respondent **within 3 days** from the date of receipt of this order of the Authority through email.

If the Respondent fails to make payment as per the direction at (a) above, this Authority shall have no other option but to take necessary stringent steps against the Respondent as per the provisions of the Real Estate (Regulation and Development) Act, 2016, to protect the right and interest of the Complainant-Allottee.

The Authority shall review the matter of payment made by the Respondent on the next date of hearing and also give necessary order regarding payment of the interest amount, after hearing both the parties in regard to the payment of the interest amount.

Fix **10.12.2024** for further hearing and order.

Sd/-  
(JAYANTA KR. BASU)  
Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority

*Certified to be true copy.*

*Date 05.10.2024*

*Special Law Officer*  
West Bengal Real Estate Regulatory Authority