

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

Complaint No.WBRERA/COM-000012

Trailokyanath Sahoo & Smrutirekha Sahoo

.....Complainant

Vs

Todi Constructions Pvt. Ltd.

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 29.05.2023	<p>Complainants are present in the online hearing filing hazira through email.</p> <p>Chartered Accountant, Amit Kumar Kedia is present on behalf of the Respondent, being its Authorized Representative, filing hazira and authorization through email.</p> <p>Mr. Suyas Todi, one of the director of the Respondent company is also present in the online hearing.</p> <p>Heard both the parties in detail.</p> <p>As per the direction of this Authority in its last order dated 10.04.2023, both the parties tried for an amicable settlement by mutual discussion but they failed to arrive at an amicable settlement.</p> <p>The case of the Complainant is that an Agreement for Sale was executed between the Complainant and Respondent on 13.03.2015 for purchase of a flat in 'Sunny Crest' with a total consideration price of Rs.55,49,000/- (Rupees fifty five lakhs forty-nine thousand only).</p>	

As per the Agreement for Sale, the possession of the flat was scheduled to be handed over after completion of the project by 31.03.2018. The Complainant has paid to the Respondent total amount of Rs.51,19,000/- (Rupees fifty-one lakhs nineteen thousand only) that is approximately 92% of the total consideration amount. It is evident from the evidences produced before the Authority that the Respondent failed to handover the possession of the flat in scheduled time line as per the Agreement For Sale.

In this Complaint Petition as well as in his Notarized Affidavit, the Complainant prayed for the relief of refund of the amount of Rs.51,19,000/- paid by him to the Respondent alongwith compensation and interest as per the RERA Act and Rules.

After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties in the online hearing, the Authority is of the considered view that the Respondent has failed in his obligation to handover possession of the Flat to the Complainant within the scheduled time line and therefore he is liable to refund the Principal Amount paid by the Complainant along with interest at the rate of SBI PLR +2% starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in sub-section (1) of section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence it is hereby,

Ordered,

that the Respondent shall refund the principal amount of Rs.51,19,000/- (Rupees fifty-one lakhs nineteen thousand only) along

with interest @SBI Prime Lending Rate + 2% starting from the respective dates of payments made by the Complainant till the date of realisation. The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of receipt of this order of the Authority by email.

The Complainant shall send his bank account details, in which he wants to take the refund amount, to the Respondent by email, within 3 days from the date of receipt of this order of the Authority by email.

Complaint is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order. In that case Respondent shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent of the estimated cost of the project named '**Sunny Crest**' of the Respondent, as determined by this Authority, as per the provisions contained in section 63 of the Real Estate (Regulation and Development) Act, 2016.

Let copy of this order be sent to both the parties through speed post and also by email immediately.

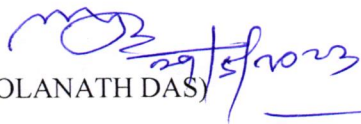
With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

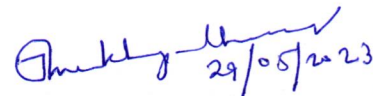
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority