

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

Complaint No.WBRERA/COM-000143

Gautam Kumar PathakComplainant

Vs.

1. M/s. Sonartori Projects &
2. Team Taurus Realty & Infrastructure Private Limited Respondents

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
4 ----- 12.10.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Masooma Khan is present in the online hearing on behalf of the Respondent, filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>In the first order of this Authority in the matter the date of the Agreement for Sale is written as 02.02.2023. Today at the time of hearing the Complainant pointed out this matter.</p> <p>Let the date of the Agreement for Sale be corrected in the order dated 20.07.2023 of this matter and it shall be read as 02.02.2013.</p> <p>Respondent did not submit any Refund Schedule till date</p>	

on Notarized Affidavit, as per the last order of the Authority dated 15.09.2023.

The Advocate of the Respondent stated at the time of hearing that she did not find any proof in the ledger regarding payment of an amount of Rs.3,50,000/- as claimed to be paid by the Complainant. For this reason she could not submit the Written Response and Refund Schedule.

The Authority took serious exception to the excuse made by the Respondent for non-submission of the Refund Schedule and not initiating the payment of the refund amount as per the last order of the Authority dated 15.09.2023. The Respondent did not raise this point at the time of last three hearings. The Complainant stated that the amount of Rs.3,50,000/-has been paid by him in cash on 24.11.2012 and the relevant Money Receipt is annexed as Annexure-E with his Affidavit.

Therefore the Authority is of the considered view that a penalty should be imposed upon the Respondent for non-compliance of the order of this Authority dated 15.09.2023, as per section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016.

Hence, a penalty of Rs.10,00,000/-(Rupees ten lakhs only) is hereby imposed upon the Respondent, as per section 38 read with section 61 of the RERA Act for violating the order of this Authority dated 15.09.2023. The Respondent is hereby directed to make payment of the penalty amount of Rs.10,00,000/-to the Account of this Authority mentioned

below within 15 days from the date of receipt of this order of the Authority:-

Account Name: West Bengal Real Estate Regulatory Authority

Branch: Specialized Institutional Banking, Kolkata

Account No. 00000040777384369

IFS Code: SBIN0014524

MICR Code: 700002404

After hearing both the parties and after taking into consideration the affidavit and documents submitted by the Complainant, the Authority is of the considered view that the Respondent failed miserably in his obligation to deliver the possession of the flat booked by the Complainant within the scheduled timeline as agreed between the parties as per the Agreement for Sale dated 02.02.2023 and therefore he is liable to refund the Principal Amount alongwith interest as per section 18 of the Real Estate (Regulation and Development) Act, 2016 and Rule 17 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.20,50,344/-alongwith interest @SBI PLR +2% p.a. for the period starting from the date of respective payments made by the Complainant till the date of realization, within a period of 45 days from the date of receipt of this order through email. The Refund shall be made by bank transfer to the account of the Complainant.

The Complainant shall provide his bank account details to

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

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

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