

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

Complaint No.COM-000283 (erstwhile WBHIRA)

Indramouli Saha..... Complainant

Vs.

Sanjit Kashyap..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
07 10.07.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of Hearing Notice through speed post and also by email.</p> <p>Let the track record of the due service of Hearing Notice of the Respondent be kept on record.</p> <p>Respondent failed to submit Written Response on Notarized Affidavit as per the last order of the Authority dated 30.05.2023.</p> <p>Respondent is also absent today without any prior notice.</p> <p>The Authority is of the considered opinion that sufficient time and reasonable opportunity has been given to the Respondent to defend this matter and present his case but he failed to take the opportunity. The Authority has no other option but to proceed with ex-parte hearing and disposal of this matter for the ends of speedy disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016.</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainant is that he booked on 19.09.2017, a flat having carpet area of 953 sq.ft. on 3rd floor of Grand Opal building of Newtown Grand project of the Company</p>	

named as **Newtown Grand Realtors LLP** of the Respondent who is also the C.E.O. of the Company. He has paid Rs.8,88,000/- (Rupees eight lakhs eighty-eight thousand only) to the Respondent Shri. Sanjit Kashyap in the name of the Promoter Company **Newtown Grand Realtors LLP**. The Respondent promised to the Complainant to give the 3BHK flat in his project named '**Newtown Grand**' but no construction has been done as yet and the Respondent failed to deliver possession within schedule time-line.

The Complainant had filed a Complaint bearing Complaint No. COM-000283 before the erstwhile WBHIRA. In the last order of the erstwhile WBHIRA Authority dated 19.01.2021, the Respondent was directed to refund the whole amount paid by the Complainant along with interest @ **SBI Prime Lending Rate+2%** per annum for the period of starting from the respective dates of payments made by Complainant till date of final refund by the Respondent.

Today at the time of hearing the Complainant stated that till date no money has been refunded by the Respondent.

In the last order of this Authority it has been stated that the Authority shall proceed with the above mentioned Complaint Case No. 000283.

The Complainant also stated at the time of hearing that an email has been received by him from the Respondent stating that the Respondent will refund the amount to the Complainant by 12th August, 2023.

The Complainant is hereby directed to forward a copy of the said email communication to the Authority immediately and Complainant also forwarded a copy of the said email to the

Authority.

Let the said email communication forwarded by Complainant on 10.07.2023 to the Authority be taken on record.

After examination of the Notarized Affidavit of the Complainant and Notary Attested documents placed on record and after hearing both the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the flat to the Complainant within the scheduled time line and therefore, he is liable to refund the principle amount paid by the Complainant along with interest at the rate of **SBI PLR +2%** per annum starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in 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 Principle amount of Rs.8,88,000/- (Rupees eight lakhs eighty-eight thousand only) alongwith interest @ **SBI Prime Lending Rate + 2%** per annum for the period 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.

Complainant 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.

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

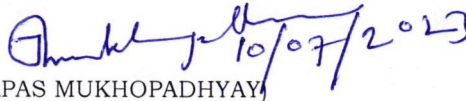
With the above directions the matter is hereby disposed of.



(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