

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

Complaint No.WBRERA/COM000222

Merlin Projects LimitedComplainant

Vs

Apu Chakraborty, Tapan Chakraborty and Mithu Chakraborty.....Respondents

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 ----- 12.02.2024	<p>Smt. Deepa Das, D.G.M Audit & Risk (mobile No. 9836301188 & email Id:- deepa.das@merlinprojects.com), Smt. Anusua Ghosh, Legal Officer and Shri. Gautam Ray, Manager Law of the Complainant Promoter Company are present in the online hearing on behalf of the Complainant filing hazira and Authorization through email.</p> <p style="text-align: center;">Respondent is present in the online hearing. He is directed to submit his hazira through email to the Authority, as per the format attached with the hearing notice sent by email, immediately after today's hearing.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p>As per the Complainant, the Respondents Mr. Apu Chakraborty, S/o. Mr. Tapan Chakraborty, Mr. Tapan Chakraborty, S/o, Samirendra Chakraborty and Mrs. Mithu Chakraborty, wife of Mr. Tapan Chakraborty have jointly agreed to purchase an Apartment, being No. 1A, Block-8, in the project "Merlin OIKYA Phase I" on 31.12.2021 for a total consideration of Rs.18,73,779/-(excluding taxes). That the Agreement For Sale dated 26.09.2022 was registered and recorded in Book No. 1, Volume No. 1602-2022, Pages from 474317 to 474376, being Deed No. 160213267 of 2022, registered at the Office of the DSR-II South 24-Parganas. The said</p>	

respondents have paid a total sum of Rs.3,74,756/-(excluding taxes) out of the total consideration, as mentioned above against the said apartment till 23.08.2022 and thereafter stopped making payments in spite of our several communications dated 15.11.2022, 16.01.2023, 23.01.2023, 01.02.2023 & 15.02.2023 and as no response/remedy have been sent by the Respondents in compliance of the reminders of the Complainant, they have finally sent a 30 days' notice dated 09.03.2023 for clearing the outstanding dues as per the said Agreement for Sale, however, no positive response and/or any further payment have been received from the Respondents till date in spite of the same.

The Complainant prays before the Authority for the relief of the following:-

The Complainant is stuck to initiate any action in this regard as the sale agreement is registered and until necessary cancellation documents are registered, he cannot initiate any action for resale of the said flat. Hence necessary direction has been prayed by the Complainant to be given upon the Respondents as well as the authority concern to register the cancellation document forthwith in resolution of his current crisis in the matter.

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 Complainant is directed to submit his total submission regarding his 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 soft copies, within **15 (fifteen)** days from the date of receipt of this order through email.


The Respondent is hereby directed to submit his 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 soft 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 **19.03.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority