

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

Complaint No.WBRERA/COM 000064

Dwaipayan Majumdar Complainant

Vs.

G.S. Electrocom Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
03 25.07.2023	<p>Complainant is present in the online hearing filing hazira and his Advocate Sayantan Chatterjee is present in the online hearing filing hazira and valakatnama through email.</p> <p>Ms. Poulami Chakraborty, Legal Executive of the Respondent Company being Authorized Representative of it, is present in the online hearing on behalf of the Respondent. She is directed to submit her hazira and authorization through email to the Authority immediately after today's hearing.</p> <p>Heard both the parties in detail.</p> <p>Respondent failed to submit Written Response on Notarized Affidavit as per the first order of the Authority dated 26.04.2023 and second order of the Authority dated 13.06.2023.</p> <p>Therefore, 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 before the Authority but he failed and/or neglected to take the opportunity. No more chance/time can be given to the Respondent to submit the Written Response and this Authority has no other option but to proceed with 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>	

The case of the Complainant is that he and his wife Smt. Kasturi Gupta Majumdar had booked a 2BHK flat in the flat No. 7B on the 7th floor in the Block – 2B9 at the project named ‘Sanhita’ of the Respondent Company. Agreement for Sale was executed between the two parties on 02.03.2016. As per the clauses for Agreement for Sale the flat was supposed to be handed over within 36 months from the execution of the Agreement with grace period of another 12 months.

The period of 48 months has been over in April’2020. A total payment of Rs.16,75,696/- (Rupees sixteen lakhs seventy five thousand six hundred ninety-six only) has already been made by the Complainants to the Respondent as per the agreed payment schedule. The Respondent failed to deliver the possession within the stipulated time period.

The Complainant prayed before the Authority for delivery of the possession of the flat at the earliest and if the Respondent fails to deliver the possession within 6 months in that case he wants refund of entire amount paid by him along with interest @18% p.a.

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 as agreed between the parties and therefore, he is liable to refund the Principal Amount paid by the Complainant along with interest at the rate of @ **SBI PLR +2% per annum** for the period starting from the date of respective dates of 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.16,75,696/- (Rupees sixteen lakhs seventy five thousand six hundred ninety six only) along with 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.

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 might 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 real estate project named '**Sanhita**', as determined by this Authority, as per the provision contained in section 63 of the Real Estate (Regulation and Development) Act, 2016.

With the above directions the matter is hereby disposed of.

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



(SANDIPAN MUKHERJEE)

Chairperson

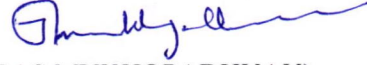
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority