

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

Complaint No.COM000111(erstwhile WBHIRA)

Tapas Banerjee..... Complainant

Vs

Sukdeb Koley..... Respondent

Sl. Number and date of order	Order and Signature of Authority	Note of action taken on order
04(Execution) 12.02.2024	<p>Today is the 4th day of execution hearing of this matter.</p> <p>Complainant (Mob. No. 9830372737 &amp; email Id-tapasbanerjee022@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Juhi Shaw (Mob. No. 9038638361 &amp; email Id - advjuhishaw@gmail.com) is present in the physical hearing on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>Hon'ble West Bengal Real Estate Appellate Tribunal (WBREAT) has been pleased to dismiss the Appeal no. 002 of 2021, in the matter of Shri Sukdev Koley.... Appellant vs Shri Tapas Banerjee .... Respondent, for non-prosecution by the Appellant, by an order dated 04.01.2024 and record of this matter and copy of the said order has been returned to this Authority for information and necessary action and the Hon'ble Tribunal also directed that stay, if any, passed by the Tribunal in this matter, is vacated.</p> <p>Advocate of the Respondent stated at the time of hearing that they are ready to give possession or refund as the Complainant wishes.</p> <p>Complainant stated that he wants to take possession in place of refund as ordered in the order dated 16.01.2020 because according to him, perhaps no interest has been mentioned in the Agreement For Sale to be given by the Respondent to the Complainant in case of delay in delivery of possession.</p> <p>After hearing both the parties, the Authority is pleased to give the following directions :-</p>	

- a) The Respondent shall submit a Notarized Affidavit stating the proposals which they have stated at the time of hearing today and also mentioning rate of interest, if any, to be paid by the Respondent, as per the Agreement For Sale, to be given by them in case of delay in delivery of possession and they shall also state the present status of construction of the flat, which works are still pending and how much time to be taken by them for the completion of each of the incomplete works and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and scan copies, within 10 (Ten) days from today; and
- b) The Complainant shall submit a Notarized Affidavit specifically stating which proposal of the Respondent he is accepting and why and he shall also state the rate of interest, if any, mentioned in the Agreement for Sale, to be given by the Respondent for delay in delivery of possession and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and scan copies, within 10 (Ten) days from the date of receipt of the Affidavit of the Respondent by post or by email whichever is earlier.

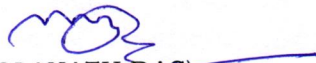
Fix **12.03.2024** for further hearing and order.



(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