

West Bengal Real Estate Regulatory Authority

Calcutta Greens Commercial Complex (1st Floor)

1050/2, Survey Park, Kolkata – 700 075.

Complaint No.WBRERA/COM000157

Radheshyam Pancharia.....Complainant

Vs.

Neha Gupta..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
<p>1 ----- 13.06.2023</p>	<p>Ms. Moumita Kumar and Ms. Taniya Saha are present on behalf of the Complainant, being its Authorized Representatives, filing hazira and Authorization through email.</p> <p>Mr. Rahul Gupta, husband of the Respondent (Mrs. Neha Gupta) is present in the online hearing. He is directed to submit his hazira and Authorization through email to the Authority as per the format of hazira as given with the notice of hearing and send it to the Authority by email immediately after receiving this order.</p> <p>Heard both the parties in detail.</p> <p>The Respondent booked Unit No. 4B-5C on the 5th Floor of the project named as 'JIVA HOMES' of the Complainant-Promoter. The allotment letter was issued on 03.07.2021. The unregistered Agreement for Sale was executed on 3rd July, 2021. The total consideration amount of the unit is Rs.1,11,34,760/-(Rupees one core eleven lakhs thirty-four thousand seven hundred sixty only). Pursuant to which the Respondent has availed Home Loan from IDBI Bank for the amount of Rs.1,05,50,000/-(Rupees one crore five lakhs fifty thousand only). In the meanwhile a Tripartite Agreement was</p>	

executed between the parties. The payment received till date from the Respondent is Rs.97,01,033/-(Rupees ninety-seven lakhs one thousand thirty-three only) (including interest and bank's contribution and Allotee's contribution). There is a due in arrears of Rs.17,84,750/-(Rupees seventeen lakhs eighty four thousand seven hundred fifty only) as on date and having interest of Rs.4,06,845/-(including GST).

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

- a) Necessary order to the bank for release of the unit from the mortgage of the Bank ; and
- b) Permission for fresh allotment of the flat.

After hearing both the parties, the Authority is pleased to direct both the parties to settle the issues between them by mutual discussion and if they arrive at a mutual consensus they will submit a Joint Notarized Affidavit to the Authority signed by both the parties and send the Affidavit to the Authority, within 20 days from the date of receipt of this order of the Authority by email.

Fix **25.07.2023** for further hearing and order.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy.

dh

15.06.2023

Special Law Officer
West Bengal Real Estate Regulatory Authority