

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

Complaint No.WBRERA/COM000158

Radheshyam Pancharia.....Complainant  
 Vs.  
 Amit Kumar Agarwal & Arpita Agarwal..... Respondents

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
<p style="text-align: center;">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. Anil Kumar Agarwal is present in the online hearing being the Authorized Representative of the Respondents.</p> <p>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. 4A-9A of the project named as '<b>JIVA HOMES</b>' of the Complainant-Promoter. The allotment letter was issued in favour of the Respondents. A registered Agreement for Sale was executed between the parties on 18<sup>th</sup> July, 2019. The total consideration amount of the unit is Rs.1,15,41,960/-(Rupees one core fifteen lakhs forty one thousand nine hundred sixty only). Pursuant to which the Respondent has availed Home Loan from Karnataka Bank. The payment received by the Complainant-Promoter till date from the Respondents is Rs.78,54,639/-(Rupees Seventy eight lakhs</p>	

fifty four thousand Six hundred thirty nine only) (including bank's contribution and the Allottee's contribution). There is a due of Rs.31,10,222/-(Rupees thirty one lakhs ten thousand two hundred twenty two only) as on date and interest of Rs.1,74,146/-.

The Complainant sent demands and requests to make further payment and also intimated the bank to close the issue. But neither the Respondents paid any further payments nor the Bank was agree to close the deal. The termination letter was issued on 11.01.2023. In the mean time the Respondents made part payment out of the total dues in the month of March 2023.

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 admit this matter for further hearing and order as per the provisions of Section 31 of the Real Estate (Regulation and Development) Act, 2016 and Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

The Authorized Representatives of the Respondent present in the online hearing submitted that they will clear the dues within 20 days.

After hearing both the parties the Authority is pleased to direct the following ;-

Complainant is hereby directed to send immediately a Statement of Dues as on date alongwith ledger and interest break up to the Respondent by email.

The Respondent is directed to make payment of the due amount within 20 days, after getting the Statement of Dues from the Complainant by email.

Fix **04.08.2023** 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.

*Sde*

13.06.2023

**Special Law Officer**  
**West Bengal Real Estate Regulatory Authority**