

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

Complaint No.WBRERA/COM 000053

Avijit Kumar Majumder and Soma Majumder.....Complainants
Vs
M/s. Cancun Construction Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution (2) ----- 09.05.2024	<p>Today is the 2nd day of Execution Hearing of the final order dated 20.07.2023.</p> <p>Complainant alongwith his Advocates Mr. Ashique Mondal (Mobile – 9831347686 and email id – ashiquemondal.adv@gmail.com) and Mr. Proteek Debnath (Mobile – 9007862686 email id – proteek.debnath@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Bratasri Banerjee (Mobile – 9830066723 and email – bratasribanerjee@gmail.com) is present in the online hearing on behalf of the Respondent filing hazira and Vakalatnama through email.</p> <p>Respondent submitted a Notarized Affidavit dated 07.05.2024 before the Authority at the time of hearing today, as per the last order of the Authority dated 05.04.2024, showing causes for why a penalty of Rs.10,00,000/- shall not be imposed upon the Respondent for non-compliance of the final order of the Authority dated 20.07.2023.</p> <p>Let the said Affidavit of the Respondent dated 07.05.2024 be taken on record.</p> <p>Heard both the parties in detail.</p> <p>The Advocates of the Complainants stated at the time of hearing that no amount has been paid by the Respondent Company till date, in non-compliance with the final order of this Authority dated 20.07.2023.</p>	

The Authority took serious exception to the fact that the Partners of the Respondent Company Mr. Debashis Biswas and Mrs. Tapasi Biswas, in non-compliance with the last order of the Authority, did not appear before the Authority in person today and they have not made any payment to the Complainant as per the final order of the Authority dated 20.07.2023. This Authority is of the opinion that the Respondent is ignoring the orders of this Authority completely and the Authority should take stringent action against the Respondent as per the provisions of section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016 for non-compliance of its orders.

The Advocate of the Respondent earnestly requested the Authority today at the time of hearing not to take any stringent action against the Respondent immediately and prayed for some time so that the Respondent can pay the amount, as per the final order of the Authority dated 20.07.2023, in some installments.

Complainant stated at the time of hearing that they are ready to take the payment as per the direction of the Authority and under the supervision of this Authority.

On the request of the Advocate of the Respondent, this Authority is giving the last chance /opportunity to the Respondent to make the payment in five (5) equal consecutive monthly instalments and Authority shall time to time review the matter. If the Respondent fails to make payment of any of the instalments, this Authority shall have no other option but to take stringent action and punitive steps against the Respondent Promoter as per law.

After hearing both the parties, the Authority is hereby pleased to give the following directions:-

- a) The Respondent-Promoter is hereby directed to make the payment of the balance Principal Amount alongwith interest, as per the final order of the Authority dated 20.07.2023, in five (5) equal consecutive monthly instalments, starting from June, 2024 ending with October, 2024; and
- b) If the Respondent fails to pay any of the instalments in due time, this Authority shall have no other option but to impose penalty of Rs.10,00,000/- (Rs. Ten

Lakhs) over the Respondent and impose other stringent punitive actions against the Respondent as per the provisions of RERA Act; and

- c) The Respondent is further directed that no alienation/transfer of any of the properties of M/s. Cancun Construction and Partners of the same, shall be done till disposal of this matter or until further order of this Authority, whichever is earlier.

The Authority shall review the matter on the next date.

Fix **05.08.2024** 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