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**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/COM (PHYSICAL) 000007

Snehansu Kumar Nag

..... Complainant

Vs

Soumita Construction Pvt. Ltd.

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 02.02.2023	<p>Complainant is present and signed the attendance sheet.</p> <p>Shri. Pinaki Biswas, Authorised Representative of the Respondent is present and signed the attendance sheet.</p> <p>The Complainant filed documentary evidences on affidavit before this Authority. Let the documents be taken on record.</p> <p>The evidence produced by the Complainant has been examined. This is evident that the Respondent Company invited applications from the prospective home buyers for the project namely 'The County' and the Complainant booked a flat measuring 725 sq ft approximately by paying the requisite booking money which has been duly accepted and acknowledged by Respondent Company and an Agreement for Sale was executed between the parties in this regard.</p> <p>The Complainant paid total Rs.16,91,389/- in this regard to the Respondent. The details of the payments are as follows:-</p> <p>Complainant paid Rs.50,000/- vide Receipt No. SCPL/TC/08/4/6H/14-15 dated 09.07.2014, Rs. 1545/- vide Receipt No. SCPL/TC/08/4/6H/a/14-15 dated 09.07.2014 Rs.3,45,393/- vide Receipt No. SCPL/TC/08/4/6H/b/14-15 dated 13.08.2014, Rs.8164/-vide Receipt No. SCPL/TC/08/4/6H/c/14-15 dated</p>	

09.08.2014 and Rs.1,92,109/-vide Receipt No. SCPL/TC/08/4/6H/d/15-16 dated 07.10.2015, Rs.3,46,081/-vide Receipt No. SCPL/TC/04/01/7D/e/17-18 dated 27.10.2017, Rs. 3,23,097 vide Receipt No. SCPL/TC/04/01/7D/f/18-19 dated 10.04.2018, Rs. 3,25,000/-vide Receipt No. SCPL/TC/04/01/7D/g/18-19 dated 05.06.2018, Rs.1,00,000/-vide Receipt No. SCPL/TC/04/01/7D/h/18-19 dated 31.07.2018.

After examining the brochure of the project of the Respondent Company and verifying the money receipts, confirmatory letter of allotment duly issued by the Respondent Company and the Agreement for Sale executed on 27.10.2017, this is proved beyond any level of doubt that Respondent Company could not fulfill their obligations made in the allotment letter and failed to give delivery of possession of the said flat to the Complainant within the time as agreed between them. The Authority is satisfied to the effect that the Complainant booked the flat in their project and the Respondent Company could not fulfill their obligations to complete the project and offer possession to the Complainant within the time as agreed the parties for the reasons best known to the Respondent Company.

Accordingly, after careful examination of the facts of the case and documentary evidence produced by the Complainant, this Authority is satisfied that there are serious breaches on the part of the Respondent regarding delivery of possession to the Complainant within the time as agreed between the parties and therefore it is hereby

Ordered.

that the Respondent Company shall refund entire amount of Rs.16,91,389/- paid by the Complainant along with interest, at the rate as agreed upon between the parties in the 'Agreement for Sale' executed between the parties on 27.10.2017, from the date of payment by Complainant to 31.05.2018 and at the rate of SBI Prime lending interest rate plus 2% from 01.06.2018 till the date of final payment of refund. Respondent Company shall refund the principal amount of Rs. 16,91,359/- (Rupees sixteen lakhs ninety-one thousand three hundred fifty nine only) in the bank account of the Complainant by bank transfer within 45 (forty-five) days from the date of communication of this

order. The Respondent shall make the payment of the interest amount within four (04) months thereafter.

Complainant shall send his bank account details to the Respondent or otherwise within 03 (three) days from today.

It is to be noted that failure to comply orders of this Authority shall attract the penal provisions of WBRERA Act, 2016 in terms of section 63 of the Act.

Complainant is at liberty to take steps to approach the appropriate Authority for execution of this order if not complied by the Respondent Company.

Let copy of this order be served to both the parties.

This Complainant petition is thus disposed off.



(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