

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

Complaint No. WBRERA/COM000336

Bengal Ambuja Housing Development Limited Complainant

Vs.

Konebou Fashions Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 06.11.2023	<p>Mr. Rakesh Ranjan being the Authorized Signatory of the Complainant Promoter Company is present in the online hearing on behalf of the Complainant filing hazira and authorization through email.</p> <p>Respondent Allottee is absent despite due service of hearing notice through speed post and also by email.</p> <p>Let track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant Promoter Company, the Allottee Respondent applied for allotment of an office space being unit no. ESBT5A0402 having carpet area of approximately 399 sq.ft. on the 4th floor of Tower / Building no. 5A of the Ecospace Business Towers alongwith one covered car parking space.</p> <p>By virtue of an allotment letter dated 20.11.2021, the Respondent was allotted the office space and pursuant to the allotment and upon receiving the booking amount of Rs.3,76,253/- , an Agreement For Sale dated 28.09.2022 was duly executed between the parties and registered.</p> <p>The Respondent failed / neglected to pay 5 numbers of consecutive invoices / demand notices raised by the Complainant in terms of the payment plan of the Agreement For Sale.</p> <p>As per the Complainant, the Respondent, therefore, was in clear default in terms of clause 9.3 (ii) of the Agreement For Sale and the Complainant issued a letter of termination of the Agreement For Sale to the Respondent with 30 days clear notice in terms of clause 9.3 (ii) of the Agreement For Sale but the Respondent neither replied to the letter nor paid the dues within the notice period and total amount of dues is Rs.19,37,930/- with interest in terms of the Agreement For Sale.</p> <p>The Complainant prays for the following reliefs :-</p>	

- a) To record the allotment of unit no. ESBT5A0402 as cancelled before the Authority; and
- b) To issue direction upon the Respondent to pay the amount of shortfall that is Rs.1,84,337/- and after 30.09.2023 an amount of Rs.3,78,699/-; and
- c) To allow the Complainant sign, execute and register a unilateral Deed of Cancellation in respect of the registered Agreement For Sale **since it is a legal requirement that a registered Agreement can be cancelled only by a registered Deed of Cancellation**; and
- d) To direct the concerned Registrar to register unilaterally the Deed of Cancellation in respect of the Apartment; and
- e) To permit the Complainant to re-allot the unit to any prospective allottee.

After hearing the Complainant, 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 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions:-

The Complainant is directed to submit her total submission regarding her Complaint Petition on a Notarized Affidavit annexing therewith notary attested / self attested copy of supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested / self attested supporting documents, if any, and send the original affidavit to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **19.12.2023** 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

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date
06.11.2023
Special Law Officer
West Bengal Real Estate Regulatory Authority