

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

Complaint No.WBRERA/COM-000143

Gautam Kumar PathakComplainant

Vs.

1. M/s. Sonartori Projects &
2. Team Taurus Realty & Infrastructure Private Limited –Deve..... Respondents

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 22.08.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Masooma Khan is present in the online hearing on behalf of the Respondent, filing hazira and Vakalatnama through email.</p> <p>Complainant submitted notarized affidavit dated 31.07.2023 containing his total submission regarding the Complaint Petition, as per the last order of the Authority dated 20.7.2023, which has been received by this Authority on 04.08.2023.</p> <p>Let the said affidavit of the Complainant be taken on record.</p> <p>Respondent submitted Written Response on notarized affidavit dated 18.08.2023, as per the last order of the Authority dated 20.7.2023, which has been received by this Authority on 21.08.2023.</p> <p>Let the said Written Response of the Respondent be taken</p>	

on record.

Heard both the parties in detail.

Respondent submitted a proposal for inspection of any alternate flat to the Complainant as the construction of the project in which Complainant booked his flat is not possible at present due to some litigation.

Complainant at the time of hearing categorically denied the proposal of the Respondent regarding inspection of an alternative flat.

The Complainant stated for immediate refund of the Principal Amount of Rs.20,50,344/- (Rupees twenty lakhs fifty thousand three hundred forty-four only) along with interest as per RERA Act and Rules, by the Respondent and he insisted for a Refund Schedule on affidavit from the Respondent in this regard.

After examination of the Notarized Affidavit of both parties and Notary Attested documents placed on record and after hearing both the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the flat to the Complainant within the scheduled time line and therefore, he is liable to refund the Principle Amount paid by the Complainant along with interest at the rate of **SBI PLR +2% per annum** for the period starting from the date of respective payments made by the Complainant till the date of

realisation, as per the provisions contained in section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

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

- a) Respondent is hereby directed to submit a Refund Schedule on notarized affidavit specifying the number of installments, date and amount of installments for refund of the total amount of Rs.20,50,344/-alongwith interest at the rate of SBI PLR +2% per annum for the period starting from the date of respective payments made by the Complainant till the date of realisation and send the original affidavit to the Authority serving a copy of the same to the Complainant, within **10 (ten) days** from today. The span of the Refund Schedule shall not exceed November'2023 and every installment should be of considerable amount; and
- b) Respondent shall start payment of the installments immediately as per the schedule and shall continue to make payments accordingly; and
- c) Complainant is at liberty to submit a Reply/Rejoinder on notarized affidavit to the Refund Schedule of the Respondent within 10 (ten) days from the date of receipt of the Schedule from the Respondent and send the affidavit to the Authority serving a copy of the same

to the Respondent, within **10 (ten) days** from the date of receipt of the affidavit of the Respondent by mail or by speed post whichever is earlier.

The Authority shall review the matter on the next date of hearing.

Fix 15.09.2023 for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

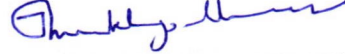
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority