

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 Officer	Note of action taken on order
1 ----- 20.04.2023	<p>Advocate Prooteek Debnath is present on behalf of the Complainants filing hazira and Vakalatnama through email.</p> <p>Respondent is absent in the online hearing despite due service of notice through email. The notice sent by speed post returned on the ground of “ Addressee cannot be located”</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainants is that they had booked a flat bearing No. B5/005 facing South-East on the 2nd Floor (the said floor number was subsequently changed to 5th floor in accordance with sanctioned floor plan), measuring 1100 Sq.ft., of super built-up area approximately in Block-B in the Housing Project namely ‘Cancun Skylark’ together with one covered garage measuring about 120 Sqft. And he has paid total amount of Rs.33,02,370/-(Rupees thirty-three lakhs two thousand three hundred seventy only) in three instalments by</p>	

way of cheques and cash between the period from 09.06.2015 to 26.06.2015. Agreement for Sale was executed between the parties on 29.06.2015. In terms of the said Agreement for Sale, the Respondents was liable to complete the construction of the project and hand over possession of the said residential flat within the period of 36 (thirty-six) months from the date of sanction of the building plan from the concerned Authority i.e., within 17.07.2016 and with a further extension of 6(six) months, it ought to have been completed within 17.01.2020.

The Respondent had failed to deliver the said residential flat within the stipulated time period and thus he has breached of terms of the said Agreement for Sale.

At the time of hearing, the Advocate of the Complainant also stated that the project land of 'Cancun Skylark' was registered by the name 'Skylark' with the erstwhile WBHIRA Authority with Registration No. HIRA/P/NOR/2019/000704 in the year 2019.

The Complainant prayed before the Authority for the relief of refund of the Principal Amount paid by him along with the interest and compensation as per RERA Act and Rules.

After hearing the Complainant, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is hereby directed to submit his total submission regarding this Complaint Petition on a Notarized Affidavit, annexing therewith notary attested supporting documents, if any, and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 21 (twenty-one) days from the date of receipt of this order through email.

The Respondent is directed to submit his Written

Response to the Complaint Petition on a Notarized Affidavit, annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 21 (twenty-one) days from the date of receipt of the Affidavit of the Complainant either by mail or by speed post, whichever is earlier.

Respondent is further directed to give explanation with reasons for Registration of subject matter project in the name of 'Skylark' under erstwhile WBHIRA and giving bookings of the same project in the name 'Cancun Skylark'.

Fix **21.06.2023** as next date of 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