

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-000078

Ruchita Sethi and Nikhil Shah ..... Complainants

Vs.

Soumita Construction Pvt. Ltd. .... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 27.04.2023	<p>Advocate Vinit Sharma is present in the online hearing on behalf of the Complainants filing hazira through email.</p> <p>Advocate Masooma Khan is present in the online hearing on behalf of the Respondent, being its Authorized Representative.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant he booked a flat bearing No. 8D on the 8<sup>th</sup> floor, Tower-2 having total area about 1014 Sq.ft. along with parking and other facilities in the project of the Respondent Company named as 'The County' at P.S.-Bishnupur, Kolkata – 700 104, and the Memorandum of Understanding (MoU) was executed between the two parties on 19.09.2013 and allotment letter was issued on 15.12.2014 to the Complainants.</p> <p>As per the MoU, Complainants have paid total amount of Rs.14,30,437/- (Fourteen lakhs thirty thousand four hundred thirty seven only) from time to time to the Respondent Company i.e. M/s. Soumita Construction Pvt. Ltd., out of total consideration amount of Rs.22,24,989/- ( Twenty two lakhs twenty four thousand nine hundred eighty nine only) of the flat. The project has been miserably delayed for which the Complainant has suffered a lot.</p> <p>The Complainant at the time of hearing stated that on 20.02.2020 they have filed a Complaint Petition before the erstwhile WBHIRA for refund of the amount of Rs.14,30,437/- along with interest. Out of the said amount, the Respondent has refunded the amount of Rs.1,00,000/-only till date. The Respondent failed to</p>	

refund the balance amount of Rs.13,30,437/- along with interest.

Therefore, the instant Complaint has been filed by the Complainant before the Authority for refund of the balance of the Principal Amount paid by him as mentioned above along with interest @**SBI PLR + 2% p.a.**, till the realization of full refund from the date of each payment.

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

The Complainant is directed to submit his total submission regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents, if any, 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 days from the date of receipt of this order through email.

The Respondent is directed to submit his Written Response regarding the 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 Complainant, both in hard and soft copies, within 15 days from the date of receipt of the Affidavit of the Complainant either by email or by post, whichever is earlier.

The Complainant is at liberty to submit his Reply/Rejoinder, if any, on a Notarized Affidavit and send the original affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 7 days from the date of receipt of the Affidavit of the Respondent either by email or by post, whichever is earlier.


Fix **15.06.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority