

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

Complaint No. WBRERA/COM000644

Merlin Projects Limited..... Complainant

Vs

Mahmuda Khatoon & Ors..... Respondents

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 08.04.2024	<p>Ms. Deepa Das (Mob. No. 9836301188 & email Id: deepa.das@merlinprojects.com) and Mr. Gautam Ray being the Authorized Representatives of the Complainant Promoter Company are present in the physical hearing filing authorization and signed the Attendance Sheet.</p> <p>Mr. Miraj Ali (Mob. No. 9681881888 & email Id: alimiraj0786@gmail.com) who is one of the Respondent as well as son and Authorized Representative of another Respondent Mahmuda Khatoon is present in the physical hearing and signed the attendance sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, the Respondent-Allotees that is Mrs. Mahmuda Khatoon, wife of Sikander Ali, Mr. Sohaib Ali, son of Sikander Ali and Miraj Ali, son of Sikaner Ali had agreed to purchase an apartment Being No. 7E, Block – B7, in the project “Merlin Rise Sports Republic Phase-1A” on 20.12.2021 for a total consideration of Rs.47,06,180/-only (excluding taxes). Thereafter, and by virtue of a registered sale agreement dated 13.07.2023, being Deed No. 190410608 for the year 2023 and recorded in Book No. 1, Volume No. 1904-2023, Pages from 512197 to 512304, from Additional Registrar of Assurances-IV, Kolkata, and the said Apartment was registered in favour of the Respondents herein. The said Respondents-Allotees have paid a total sum of Rs. 5,95,381/-only (excluding taxes) out of the total consideration, as mentioned above against the said apartment till 31.03.2023 and thereafter stopped making payments in spite of several communications dated 04.01.2023, 19.01.2023, 29.01.2023, 08.02.2023 and 18.02.2023 and as there was no response/remedy on part of the Respondent in compliance of the reminders the Complainant has finally sent a 30 days’ notice dated 15.03.2023 for clearing the outstanding dues as per the said Agreement for Sale. Further reminders dated 24.03.2023 and 13.04.2023 were also send to the Respondents to clear the outstanding dues. However, only an amount of Rs.1,60,000/-had been paid by the Respondent thereafter. Now, the total outstanding amount stands to the tune of Rs.7,94,993/-excluding applicable taxes and accrued late payment interest.</p>	

Complainant prays before the Authority for the following relief:-

The Complainant Promoter Company is stuck to initiate any action in this regard as the sale agreement is registered and until necessary cancellation documents are registered they cannot initiate any action for resale of the flat to realize their sale proceeds. Hence necessary direction is to be given to the Respondents as well as the authority concern to register the cancellation document forthwith in resolution of current crisis in the matter.


After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in 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:-

- (a) At first both the parties are directed to take initiative from both side to mutually settle the matter and if they arrive at a mutual settlement, they shall submit a Joint Affidavit, signed by both the parties, containing the terms and conditions of the settlement, and send the Affidavit (in original) to the Authority, within **15 (fifteen)** days from the date of receipt of this order of the Authority through email.


If they fail to arrive at a mutual settlement, as directed at (a) above, then they shall submit Affidavit(s) as per the following directions:-

- (b) The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **10 (Ten)** days from the expiry of 15 days as mentioned at (a) above.
- (c) The Respondents are hereby directed to submit their 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 Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **10 (Ten)** days from the date of receipt of the Affidavit of the Complainant, as directed at (b) above, either by post or by email whichever is earlier.

Fix **10.06.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority