

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

Complaint No. COM000041 (erstwhile WBHIRA)

Abhishek Grover Complainant

Vs

Soumita Construction Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution Hearing (10 th)	Advocate Vinit Sharma (Mobile - 6290088215, email - advocate1319@gmail.com) is present in the physical hearing today on behalf of the Complainant filing Vakalatnama and signed the Attendance Sheet.	
11.06.2024	<p>Advocate Masooma Khan (Mobile - 8981637107, email - lawdesk2@teamtaurus.co.in) is present in the physical hearing today on behalf of the Respondent filing Vakalatnama and signed the Attendance Sheet.</p> <p>The Officer-in-Charge of Electronics Complex P.S. of Bidhannagar Police Commissionerate has sent a letter dated 10.06.2024 with letter Reference No. 1101-RERA/4C-41/41(H)/2024 dated 31.05.2024 stating that he has tried his level best to convey the direction of the Authority to Mr. Amitabh Roy and Mr. Arnab Dey, after receiving the order sheet on 08.06.2024. But 08.06.2024 and 09.06.2024 are being Saturday and Sunday (both holidays) he could not be able to serve the notice to Mr. Amitabh Roy and Mr. Arnab Dey as they were not available in the address Merlin Infinite ND-51, Salt Lake, DN-Block, Sector - V, Bidhannagar, Kolkata, West Bengal - 700091. He prayed for some more time and further date for execution of the order of this Authority.</p> <p>Let the said letter of the Officer-in-Charge of Electronic Complex P.S. be taken on record.</p> <p>Heard both the parties in detail.</p> <p>The Advocate of the Respondent submitted two Affidavits dated 07.06.2024 and 11.06.2024 stating that they have refunded the Principal Amount of Rs.7,43,861/- to the Complainant and the Complainant has received the said amount. She also stated that they will pay the interest amount and prayed for some more time to pay the interest amount. She also stated that the Directors of the Respondent Company could not attend today's hearing due to medical ground of the daughter of Mr. Amitabh Roy.</p> <p>The Complainant stated at the time of hearing that he has received the Principal Amount of Rs.7,43,861/- (Rupees seven lakhs forty-three thousand</p>	

eight hundred sixty one) on 10.06.2024 as Demand Draft and he has deposited the same.


As per the final order dated 13.08.2019 passed in this matter, the interest amount shall be paid by the Respondent at the rate of SBI Prime Lending Rate +2% per annum with effect from 01.06.2018 till the date of refund of the Principal Amount, in terms of provisions of section 18 of the RERA Act, 2016 and Rule 17 of the WBRERA Rules, 2021.

As the Complainant has showed a bonafide intention of complying the order of this Authority by refunding the Principal Amount to the Complainant, therefore, on the request of the Advocate of the Respondent, this Authority is of the considered view to provide some more time to the Respondent to pay the interest amount.

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

- a) The Respondent shall pay the interest amount, as per the final order of the Authority dated 13.08.2019, within **6 (six) months from today**. They shall submit a Notarized Affidavit stating the details of Payment Schedule mentioning the date and amount of instalment(s) by which they shall pay the interest amount and send the Affidavit (in original) to the Authority, serving a copy of the same to the Complainant, both in hard and scan copies, within 15 (fifteen) days from the date of receipt of this order of the Authority through email; and
- b) The Respondent is further directed to start the payment as per the **Payment Schedule** of interest amount to be submitted by them as per the direction at (a) above and this Authority shall review the payments on the next date of hearing; and
- c) For the time being as the Respondent has paid the principal amount therefore the Authority is of the opinion that the Respondent has intention to pay the interest amount also. The Authority hereby granted 06 (six) months time to the Respondent to pay the interest amount to the Complainant and the Officer-in-Charge of Electronic Complex P.S is hereby directed **not to take any action against the Directors of the Respondent Company** till further order from this Authority.

Fix **03.09.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority