

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

Complaint No. WBRERA/COM000454

Kartick Chandra De Complainant

Vs

CA Infracon Respondent No. 1

Kaushik Chakraborty Respondent No. 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 <u>05.06.2024</u>	<p>Complainant (Mob. No. 9433329333 & email Id: de.kartick@yahoo.com) is present in the online hearing filling hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>Complainant stated at time of hearing that he has inadvertently recorded the name of the Respondent as Koushik Chakraborty CA Infracon at the time of filing online Complaint and he prayed for necessary correction of the same. He stated that CA Infracon is the Respondent Promoter firm and Koushik Chakraborty is a partner of the said firm.</p> <p>As per the Complainant, he had booked a 3 BHK flat at the project named as 'Charulata' of the Respondent no.1 situated at Shantiniketan, Vill +P.O. Ruppur, Bolpur -731236 on 17.02.2017. The total cost of the project was Rs.28,00,000/- (Twenty eighty lakhs only). The Agreement for Sale was executed in June, 2018 and expected completion time was 20 months from the date of execution of the Agreement for Sale. The scheduled date of delivery was within 21.10.2022 and the Respondent failed to complete the construction and deliver the possession of the flat to the Complainant within the said period. The flat is now almost complete but the cost of the flat and registration cost of the flat has</p>	

increased. The Respondent demanded the increased cost of the flat from the Complainant and it is not possible for the Complainant to bear the cost.

The Complainant prays before the Authority for the relief of refund of the Principal Amount paid by him alongwith interest as per RERA Act and Rules.

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:-

Let '**CA Infracon**' be referred to as Respondent no.1 and **Koushik Chakraborty**, being the Partner of the CA Infracon firm, be referred to as Respondent no.2, as both are necessary parties and henceforth in all the records of this matter these correction shall be reflected.

The Complainant is directed to submit her 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 **21 (twenty-one)** days from the date of receipt of this order of the Authority by email.

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 **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondents are further directed to specifically mention in his notarized affidavit that whether he has taken registration for the project from erstwhile WBHIRA/WBRERA. If yes, they shall provide the Registration number with date and if they had not taken registration, the reason for not taking the registration shall be provided in their affidavit.

The Respondents are also directed to appear positively on the next date of hearing, failing which, this Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter on the next date of hearing, for the ends of speedy disposal of justice as per the provision of section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

Fix **13.08.2024** for further hearing and order.



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority