

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

Complaint No. WBRERA/COM 001305

Dipak Mallick Complainant

Vs

Bhutoria Construction Private LimitedRespondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 30.07.2025	Complainant (mobile:- 8777250931 and email:- dipakmallick@gmail.com) is present in today's hearing physically signing the Attendance Sheet. Advocate Arcoh Chatterjee (mobile no:- 84203783665 and email id :- arcoh.adv@gmail.com), and Smt Gargi Debnath (mobile no:- 6289435705 and email id :- legaldept@thegemsgroup.in), being the Legal Officer of the Respondent Company is present in the hearing today physically filing hazira and vakalatnama and signed the attendance sheet. Heard the Complainant in detail. As per the Complaint Petition, the fact of the case is that,- 1. Drinkable Water Supply: Upon moving in, it has been discovered that the water supplied to the flats are not potable owing to its high TDS. This is a fundamental right of any Indian citizen and requirement for any residential property, and the absence of safe drinking water is unacceptable and is a violation of Article 21 of the Indian Constitution. For these due cognizance, in the issue of Sardar Sarovar Project over River Narmada, The Supreme Court observed that "Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India... and the right to healthy environment and to sustainable development are fundamental human rights implicit in the right to life". 2. Uninterrupted Electricity: The electricity supply has been inconsistent, with frequent outages that disrupt daily life. The agreement stipulated that residents would have access to reliable electricity for which an amount of Rs. 30,586/- has been charged from individual unit owners during the time of possession, under the commitment of installation of transformer and personal electricity meter, yet this has not been realized. We are supplied with temporary sublet electricity meters at the cost of Rs. 9/- per unit much higher than WBSEDCL. Misleading and false information have also been shared with us on enquiry about application to WBSEDCL for transformer and sub-station. As per our knowledge, the developer is yet to pay the due amount required to WBSEDCL for the aforementioned work, however, the developer have collected the stipulated amount from the buyers during the time of possession. 3. Incomplete Sewage and Sewerage Pipe Connection: It has come to our attention that the sewage system is not connected to the municipal drain as	

promised. This oversight not only affects sanitation but also poses health risks for residents. Alongside, there is lack of appropriate drainage for rainwater passage leading to water logging during monsoon season. Alarming, dangerous snakes like Russell's viper commonly known as "Chandrabora" and Common krait namely, "Keute" have been sighted in the premises posing threats of lethal consequences to the residents.

4. Lack of Security Arrangements: The lack of security measures, including the absence of security personnel and CCTV surveillance, compromises the safety of residents. This was a critical aspect of the living environment that influenced our decision to purchase the property. As per our understanding, the developer has no plans of installing CCTV cameras in and around the building; however, we have already paid an advance amount of one year maintenance. Security personnel are also not available round the clock; surmises have it that there is a non-payment of salary of staffs has lead to such circumstances leading to frequent strikes being conducted by Security Personnel and Housekeeping Staffs'

5. Disruptive Elevator facility: Not all the elevators in GemsCity are in operational state. Alongside, the fluctuating voltage poses a major concern regarding using the elevator.

6. Parking Area Demarcation: No proper demarcations of parking lots have yet been made. The proposed MLCP of the said premises are due completion even after so many months post delivery of units.

7. Open Car Parking Sold: As per RERA open car parking spaces are considered as common areas and cannot be sold or allocated separately by the builders. They are part of the common areas defined in section 2 (n) of the act and are not meant to be sold individually. However, the builder has deliberately sold open car parking but have allotted multi-level car parking (MLCP) and have cheated us.

8. A.C. Community Hall: As per the contract an A.C. Community hall was a part of the promised amenities to be provided alongside the purchased units. Open electricity wires are found to be hanging from the ceiling, least to mention that there are no Ceiling fans let alone Air-Conditioner installed yet. Doors on both sides of entry and exit to the Community Hall are missing as well.

9. Ongoing 10th floor construction: The 10th floor of both Tower 1 & 2 of Zircon cluster is still undergoing construction work on an everyday basis which means presence of number of labors being present for a considerably long hour within the building in the absence of adequate security measures and arrangements. Also to mention that there is no separate entrance designated to these labours for their access inside the building where we reside with our families, comprising of young women, children and old people. In case of any incident or accident, there is no way to reach to the culprit due to absolute loophole in the security arrangement of the building on your end.

10. Incomplete staircase flooring: The flooring of the entire building's staircases and landings is in dire straits and far from completion with not even proper cementation to make the surface smooth and even.

11. Jogging tracks and walkways as proposed in the plan of the gems city project has not yet been implemented.

The Complainant prays before the Authority for the following reliefs:-

1. Permanent and Proper Drinkable Water Supply.

	2. Our own personal individual electric meter from WBSEDCL. 3. The Incomplete Sewage and Sewerage Pipe Connection should be connected to municipal drain as promised. 4. Proper Security Arrangements with no dues to the securities payment and CCTV installation must be incorporated. 5. All the high speed elevators should be operational in immediate basis. 6. Parking Area Demarcation should be made. 7. A.C. Community Hall should be given. 8. Ongoing 10th floor construction should be stopped immediately. 9. Staircase flooring should be completed immediately. 10. Jogging Tracks and walk ways should be provided. 11. Club House should be made operational in immediate basis. 12. No Formation of Association should be done before fulfilling all the promised statement made in the agreement. 13. Take proper action for delayed Handover. 14. Gems Tower (G+18) should be made operative in immediate basis. 15. Central Lawns, Intercom, Garbage Disposal Area, Parking for Visitors, Sewage Treatment Plant and Rain Water Harvesting facilities should be incorporated on immediate basis. After hearing the Complainant, 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: - 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 30 (thirty) days from the date of receipt of this order of the Authority by email. The Respondent is 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 30 (thirty) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.	
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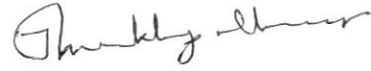
Fix **15.12.2025** for further hearing and order.



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority