

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

Complaint No. WBRERA/COM000260

Chayan Purkayastha..... Complainant

Vs

M/s. Millennium India Construction ... Respondent No.1

Debasish Sarkar Respondent No.2

Samir Kumar Halder..... Respondent No.3

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 <u>28.06.2024</u>	<p>Advocate Mr. Sarosij Dasgupta and Advocate Mr. Shayamvar Deb (Mob. No. 9038688558 & email Id: shayamvar_deb@hotmail.com) on behalf of the Complainant, filing hazira and vakalatnama through email.</p> <p>Advocate Mr. Aurodeep Mukhopadhyay and Advocate Mr. Supratim Barik (Mob. No. 8961006464 & email Id:- supratimbarik007@gmail.com) are present on behalf of the Respondent, filing hazira and vakalatnama through email.</p> <p>Complainant submitted Notarized Affidavit dated 15.05.2024, containing his total submission regarding the Complaint Petition, as per the last order of the Authority dated 22.03.2024, which has been received by this Authority on 20.06.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>Heard both the parties in detail.</p> <p>Advocate of the Respondent prayed for some more time to file the Written Response on Notarized Affidavit because they have received the hard copy of the Affidavit two days ago.</p> <p>Advocate of the Complainant stated that they have sent the scan copy of their Affidavit to the Respondent by email in the month of May but due to summer vacation in the High Court there was delay in their part in sending the hard copy of the Affidavit.</p> <p>The Authority is of the considered opinion that some time can be given to the Respondent to file the Affidavit but it should be the last chance to be given to the Respondent.</p> <p>Complainant has submitted his prayer for interim order in the Complaint Petition itself and also in his Affidavit but the Respondent has failed and neglected to provide his submission/objection with reasons regarding the interim prayer of</p>	


the Complainant on the first date of hearing on 22.03.2024 and also on today although the Complaint Petition was served to the Respondent alongwith the hearing notice on 18.03.2024 from the office of this Authority and also it is annexed with the Affidavit of the Complainant which was served to the Respondent by the Complainant through email on 21.05.2024.

The Authority is also of the opinion to issue an interim order as per the provision of section 36 of the RERA Act, 2016, so that no alienation by sale, mortgage etc. can be done by the Respondent regarding the subject matter flat till the disposal of this matter or until further order whichever is earlier to protect the interest of the Complainant-Allottee, as per the request of the Complainant in the Complaint Petition as well as in his Affidavit.

After hearing the parties and after considering the Affidavit of the Complainant submitted by him, the Authority is pleased to give the following directions:-

- a) The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of 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 scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority through email; and
- b) The Respondent is hereby given the last chance to file the Written Response on Notarized Affidavit, failing which, no more chance or time shall be given to the Respondent on the ground of speedy disposal of justice as per section 29(4) of the RERA Act, 2016; and
- c) The Complainant is at liberty to submit a Rejoinder/Reply on Notarized Affidavit against the Affidavit of the Respondent and send the Affidavit (in original) to the Authority, serving a copy of the same to the Respondent, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of Affidavit of the Respondent, by post or by email, whichever is earlier; and
- d) An **Interim Order** is hereby issued regarding the subject matter flat directing the Respondent to be restrained from doing any type of alienation or transfer by sale, mortgage etc. of the subject matter flat to any third party till the disposal of this matter or until further order, whichever is earlier.

Fix **07.08.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority