

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

Complaint No. WBRERA/COM000557

Kingshuk Datta and Nimaichand Datta..... Complainants

Vs

Jalan Builders Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 31.07.2024	<p>Complainant (Mob. No. 9830347335 & email Id: kingshukdatta@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Mr. Biswajit Mukherjee (Mob. No. 9874880840 & email Id: sales@jalanbuilders.com) being the Authorized Representative of the Respondent Company alongwith Advocate Mr. Sushovon Dey (Mob. No. 9831804449 & email Id:sushovondey16@gmail.com) is present in the physical hearing today on behalf of the Respondent Company filing Authorization/vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, the fact of the case is that:-</p> <p>The Complainant and Mr. Nimaichand Datta have booked a flat in the project named 'NVR Pride' of the Respondent Promoter Company in tower 1, Flat - A, in the 4th floor of the said project. The Complainant already got possession of the flat but as per him the flat is not in a position to live in and the following defects have been observed by the Complainant :-</p> <ol style="list-style-type: none">1. Water leakage from ceiling across entire flat (3 bed rooms, kitchen, dinning/hall, bathroom, verandah).2. Damped walls everywhere due to leakage from ceiling.3. Damped floor tiles due to constant water logging.4. Main door frame broken.5. Damaged main door lock.6. Improper water outlet from roof top (personal area).7. No dedicated space from AC outdoor unit for Master Bedroom.8. Feasibility for 3 phase electric meter connection with higher wattage - approx 6-7 KW.9. The door connecting the roof top should open outward to avoid water flow inside flat and as well as the corridor.10. Demarcation / allotment of parking area.11. Other common amenities that have been promised during sale to flat.	

12. Compensation for delay and false commitment. Full payment has been taken in April'2023 stating everything is done. Till date the above issues are still pending. Flat is not in a position to live in.

In this Complaint Petition, the Complainant prays before the Authority for the following relief(s):-

- a) All the issues highlighted above to be resolved.
- b) Compensation to be paid for, - Mental Agony, Harassments and financial loss.

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 the name of **Nimaichand Datta** be hereby included as **Joint Complainant** as he is the Joint Allottee in the present transaction and therefore a necessary party for adjudication of this matter.


The **Complainants** are directed to submit their total submission regarding this Complaint Petition on a Notarized Affidavit, annexing therewith notary attested/self-attested copy of 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 scan copies, within **21 (twenty-one)** days from the date of receipt of this order of the Authority through email.

The **Complainants** are further directed to send a scan copy of their Affidavit alongwith annexure to the email Id of the Advocate as well as Authorized Representative of the Respondent, as mentioned above.

The **Respondent** is hereby directed to submit its 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 **21 (twenty-one) days** from the date of receipt of the Affidavit of the Complainants, either by post or by email, whichever is earlier.

The Respondent shall also provide a time schedule for completion of the remaining works of the said project and the subject matter flat and rectification of the defects, as pointed out by the Complainant in his Complaint Petition and Affidavit.

Fix **09.01.2025** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority