

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

Complaint No. WBRERA/COM000701

Narayan Chandra Rana and Manjusha Rana..... Complainants

Vs

Siddha Waterfront LLP..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order																																							
01 12.03.2024	<p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Chartered Accountant Gopal Krishna Lodha is present in the physical hearing on behalf of the Respondent filing authorization and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainants, they have booked a flat / unit in the Project named 'Siddha Waterfront' of the Respondent Promoter. The details of the same are given herein below:-</p> <table border="1"><tbody><tr><td>1</td><td>Complain No</td><td>WBRERA/COM000701</td></tr><tr><td>2</td><td>Name of Complainant</td><td>Narayan Chandra Rana and Manjusha Rana</td></tr><tr><td>3</td><td>Project Name</td><td>Siddha Waterfront</td></tr><tr><td>4</td><td>Promoter's Name</td><td>Siddha Waterfront LLP (Siddha Groups)</td></tr><tr><td>5</td><td>Flat No</td><td>DAI-1001</td></tr><tr><td>6</td><td>Tower No & Name</td><td>1A – Daisy Block</td></tr><tr><td>7</td><td>Block No & Name</td><td>1A – Daisy Block</td></tr><tr><td>8</td><td>Floor No</td><td>10th Floor</td></tr><tr><td>9</td><td>Total Cost</td><td>Rs. 34,50,000/-</td></tr><tr><td>10</td><td>Total Payment till date</td><td>Full Payment</td></tr><tr><td>11</td><td>Date of Fit out</td><td>16.07.2019</td></tr><tr><td>12</td><td>Possession Certificate date</td><td>22.10.2019</td></tr><tr><td>13</td><td>Date of conveyance Registration</td><td>16.06.2019</td></tr></tbody></table>	1	Complain No	WBRERA/COM000701	2	Name of Complainant	Narayan Chandra Rana and Manjusha Rana	3	Project Name	Siddha Waterfront	4	Promoter's Name	Siddha Waterfront LLP (Siddha Groups)	5	Flat No	DAI-1001	6	Tower No & Name	1A – Daisy Block	7	Block No & Name	1A – Daisy Block	8	Floor No	10 th Floor	9	Total Cost	Rs. 34,50,000/-	10	Total Payment till date	Full Payment	11	Date of Fit out	16.07.2019	12	Possession Certificate date	22.10.2019	13	Date of conveyance Registration	16.06.2019	
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In this Complaint Petition the Complainants pray before the Authority for the following relief(s):-

- (a) That to pass an order
 - (i) that the respondent delivers the vacant and peaceful possession of my purchased open parking space with valid possession letter to them.
 - (ii) that the compensation at the rate of ₹200/- per diam from the date of registration for damages for failing to give them the possession of the open car parking space.
 - (iii) that whether Open Parking can be sold by the builder / promoter as per the RERA guidelines in this respect.
- (b) That the inferior quality tiles of the floors of both the balconies and faulty sliding door of the living room of their flat no. Daisy 1001 to be replaced / repaired by the Opposite Party immediately on their own cost.
- (c) That to assess the impact on the event of exposure of cracks on wall of the southern side of Block/Building Nos. 1A, namely Daisy block. The risk factor by a specialized agent and corrected immediately on their own cost and to pay the compensation accordingly.
- (d) That to pass an order
 - (i) that to suitably compensate for failing the scheduled date of completion of Phase 1 of the Siddha Waterfront complex.
 - (ii) that to compensate for changing Master Layout.
- (e) That to pass an order to form the Resident welfare Association immediately on democratic way and hand over the common maintenance to the Owners' Association. And till RWA is formed, panel members from residents will be elected by the majority of the flat owners to check the expenses incurred for maintenance and other issues.
- (f) That to pass an order to issue the Completion Certificate to every flat owner immediately.
- (g) That to pass an order
 - (i) to provide the accounts of income & expenditure of Common Area Maintenance (CAM) charges, details of deposition of the GST collected from flat owners on Common Area Maintenance (CAM) bill into Government revenue, present status of the Reserve Fund and provisioning with respect to the Waterfront complex to the flat owners.

Club House banquet hall to celebrate the special occasions like Republic Day, Independence Day and other festivals like Holi, Durga Puja and other festivals celebrated as group activity of the flat owners.

- (l) that to pass an order by directing the respondent to return the extra amount taken for exaggerated super buildup area of 39.44 sq. ft. along with applicable interest rate.
- (m) That to pass an order
- (i) to follow proper water management system with the installation of suitable water filtration plant. Quality check of supplied water must be done engaging a laboratory approved / certified by Government immediately with promoter's own cost to improve the quality of water.
 - (ii) Surface water must be brought inside the waterfront complex.
 - (iii) Overflowing of water from overhead tank must be checked.
- (n) That to pass an order to set up proper Sewage treatment Plant.
- (o) That the court may provide adequate direction to make all the ground floor toilets usable at the cost of Project.
- (p) The promoter to hire certified Fire safety personnel to check and maintain the fire alarm system and equipment installed.
- (q) That to pass an order to install adequate suitable capacity Diesel Generator sets.
- (r) That to pass an order to make adequate and proper arrangements to rectify all the lacunae in terms of the condition of the building, garage, lift, lobby area of every floor, breaking putty/plaster walls, stairs, window glass pane, garden, and podium area in terms of cleanliness and proper hygiene.
- (s) That to pass an order to identify and demarcate the specific space for Durga Puja and other festivals, function stage for various cultural events and Children's playground.
- (t) That to pass an order to regularly attend the complaints with respect to various issues.
- (u) That to pass an order
- (i) to compensate suitably for delaying more than four years to install WBSEDCL individual electric meter.
 - (ii) to compensate suitably for mental agony, I had gone through for not connecting the DG set emergency power back up for

- (ii) that the builder / promoter (Opposite Party) would be solely responsible to clear all dues with Martinet Facility Services Private Limited (service provider) and other financial and operational creditors before the transfer of ownership to the association under Apartment ownership act.
 - (iii) that to clear the mesh with respect to calculation of electricity consumption in absence of separate sub meters for Club House, Project area etc.
 - (iv) that to reply of thirteen numbers of queries raised on the audit reports may be provided by the builder to the flat owner.
- (h) That to pass an order to convene general meeting of the Flat Owners by the Builder/ promoter (Opposite Party) immediately to discuss / resolve various issues like construction defects, daily maintenance work and other issues.
- (i) That to pass an order
- i. to clarify the right of ownership of the club house and the right to manage the club house in future after formation of the Association including the right to engage the club manager by the Residents Welfare Association.
 - ii. to clarify the ambiguity on the right to engage the Facility Manager by the builder / promoter notwithstanding the formation of the association.
 - iii. to clarify the clause with respect to the right to engage the Facility Manager by the Builder / Promoter (Opposite Party) even after the formation of Residents Welfare Association mentioned in Para 3 of Schedule E at pg 70 of the Sale Deed.
 - iv. to clarify the clause with respect to the right of the Facility Manager to levy and collect the common expense / maintenance charges after the formation of Residents Welfare Association.
 - v. to clarify the clause where it is mentioned that the Facility Manager is not required to render any accounts of the money levied and collected as the common expense / maintenance charges from the buyers as it violates the basic rights of consumers.
- (j) That to pass an order to provide the details of earning from the rent collected from the club house banquet hall and the rent of sales and marketing office running in the
- (k) That to pass an order to complete the Club House in all respect immediately and to hand it over to the bona-fide flat owners. That to pass an order to ease / allow free access (without charging any amount) to the flat owners in the

more than five months.

(v) That to pass an order

- (i) to put barricade to separate the residential area from construction area.
- (ii) to maintain the common roads used by project and the residents by the promoters from their own fund till the project completed.
- (iii) to separate the entry and exit of the heavy vehicles and construction workers from the residential gates and paths.
- (iv) to upgrade the security arrangement, engaging adequate efficient staff for the same purpose.

(w) That to pass an order to provide all the amenities, convenience and facilities as mentioned in the Brochure before handover to the RWA.

(x) That to pass such other order/orders or interim order/orders as may be deemed fit and proper in the facts and circumstances of the case

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 **Smt. Manjusha Rana** be included as a Joint Complainant as she is joint Allottee and therefore a necessary party and henceforth in all the records and communications of this matter, her name shall be recorded as a Complainant.

The Complainants are directed to submit their 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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

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 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 **15**

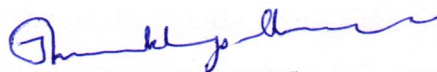
(fifteen) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is further directed to complete the remaining works of the instant project and send a **Report on notarized Affidavit** in this regard to the Authority, serving a copy of the same to the Complainant, before the next date of hearing.

Fix **04.06.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority