

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

Complaint No.WBRERA/COM(PHYSICAL)000134

Dr. Samaresh Chandra Das, President,

Sunny Fort Association of Apartment Owners Complainant

Vs

Jamshed Ali Molla, Director, Sunny Rock Estates and Developers Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
02 03.09.2024	<p>Advocate Suranjan Kundu (Mob. No. 9434040280 & Email Id: sunnyfort.association@gmail.com) is present in the physical hearing on behalf of the Complainant filing Vakalatnama and signed the Attendance Sheet.</p> <p>Advocate Mr. Anirban Sarkar (Mobile – 7980404596 and email – anirban.sarkar@foxmandal.com) and Mr.Tirthajit Roy Choudhury is present in the physical hearing on behalf of the Respondent filing Vakalatnama and signed the Attendance Sheet.</p> <p>Only Advocate of the Respondent Anirban Sarkar and Advocate Tirthajit Roy Choudhury.</p> <p>Heard both the parties.</p> <p>Complainant submitted Notarized Affidavit dated 29.07.2024 containing his full submission regarding this Complaint Petition, as per the last order of the Authority dated 16.07.2024, which has been received by this Authority on 02.08.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>Respondent submitted Notarized Affidavit dated 22.08.2024, containing their Written Response, as per order dated 16.07.2024, which has been received by this Authority on 23.08.2024.</p> <p>Let the said Affidavit of the Respondent be taken on record.</p> <p>Complainant submitted a Rejoinder / Reply on Notarized Affidavit dated 03.09.2024 against the Written Response of the Respondent, at the time of hearing today.</p> <p>Complainant submitted an Application under section 36 read with section 37 of the Real Estate (Regulation and Development) Act, 2016 for issuing</p>	

interim order.

Let the said Application of the Complainant be taken on record.

Heard both the parties in detail.

At the time of hearing the Complainant stated that they apprehend that the Respondent may transfer some of the properties earmarked for the common areas illegally to any third parties without giving any information to the Complainant-Association and in such cases there will be multiplicity of suits and the association will be under challenged to evict the said transferees.

Therefore in the Application dated 03.09.2024 for interim order, as mentioned above, the Complainant has prayed for passing an interim order upon the Respondent no.1 and 2 restraining them from transferring any properties which are earmarked as common areas including open parking spaces, swimming pool, club house, community hall, administrative block, convenience area and surrounding rooms, soft rooms, rooms for security guards, gym rooms and many other places where machine and tools are installed.

After hearing both the parties, the Authority is hereby pleased to direct the following:-

- a) The Respondents are directed to submit a Supplementary Notarized Affidavit regarding the Rejoinder of the Complainant, annexing therewith authenticated copy of supporting documents, and send the Affidavit (in original) to the Authority, serving a copy of the same to the Complainant, within **21 days** from the date of receipt of this order of the Authority through email;

Respondent shall submit in the said Supplementary Affidavit, as directed above, details of common area of the project, details of unsold flats, whether Maintenance Cost of the said unsold flats have been given by the promoter or not, Written Objection, if any, regarding the interim order(s) prayed by the Complainant, annexing therewith copy of sanctioned plan(s), including common areas, Completion Certificate, Occupancy Certificate and other necessary documents which are required to be handed over by the Respondent to the Complainant as per section 17(2) of the Real Estate (Regulation and Development) Act, 2016; and

- b) Complainant is directed to submit a Supplementary Notarized Affidavit containing the List of Allottees, in the Association of Allottees, for whom the Conveyance Deed has been registered serving a copy of the same to the Respondent, within **21 days** from the date of receipt of this order of the Authority through email; and

Fix **19.11.2024** for further hearing and order.

Sd/-
(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority

certified to be true copy. 2

Me
03.09.2024
Special Law Officer
West Bengal Real Estate Regulatory Authority