

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

Complaint No.WBRERA/COM000992

Khushbu Jaiswal..... Complainant

Vs

Suhel Saraf..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 18.09.2024	<p>Authorized Representative of the Complainant Mr. Aman Jaiswal (Mob. No.9038000012 & email Id: khushjais91@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Mr. Sandip Mukherjee (Mobile - 9831828844 & email Id: sandip@sugamhomes.com), General Menegar Legal of the Respondent Company 'Sugam Diamond Abasan LLP', is present in the physical hearing filing authorization and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>The Authorized Representative of the Complainant prayed at the time of hearing for necessary correction of the name of the Respondent. As per him at the time of filing online Complaint he could not submit the name of the Respondent properly and by mistake it has been uploaded as 'Aman Jaiswal'. He stated that the correct name of the Respondents will be 'Sugam Diamond Abasan LLP' and Mr. Suhel Saraf, designated partner of Sugam Diamond Abasan LLP.</p> <p>Considered and granted the prayer of the Complainant.</p> <p>As per the Complaint Petition,-</p> <p>The Respondent-Builder is asking to pay the balance final amount and he is not giving the the possession nor going for the registration process. The Complainant has already paid a sum of Rs.1,41,31,828/- and She is ready to pay the final balance amount of Rs.22,32,580/- only on completing the sale transaction by executing the register deed of conveyance and possession hand over.</p> <p>The Complainant prays before the Authority for the following relief(s):-</p> <p>The Complainant is paying a monthly rental of Rs.40,000/- and a</p>	

monthly EMI of Rs.97,600/-. The developer has violated the registered sale agreement dated on 28.03.2019 and failed to hand over the possession within 30.06.2023.

Complainant is suffering mental agony for all these. She has mailed many times to the developer about the possession but no response from their end. She has also sent legal notice but no response from the Respondent. She is suffering mental and financial crisis. She wants compensation of a sum of Rs.30,00,000/- for all these consequences, from the Developer.

After hearing the Complainant/ 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 **Sugam Diamond Abasan LLP** be recorded as **Respondent no.1** and **Mr. Suhel Saraf**, designated partner of Sugam Diamond Abasan LLP be recorded as **Respondent no.2** in the instant Complaint Petition, as per the prayer of the Complainant, as mentioned above, as they are the necessary parties for adjudication of this matter and the name of 'Aman Jaiswal' be deleted as name of the Respondent from the records.

The **Complainant** is directed to submit her total submission regarding her 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 **15 (fifteen) days** from the date of receipt of this order of the Authority by email.

The Complainant is further directed to send a scan copy of her Affidavit alongwith annexure to the email Id of the Authorized Representative of the Respondent, as mentioned above.

The Complainant is further directed to provide in a Tabular Form chronologically all the payments made by her specifying date, amount and money receipt number, if any, in the said table in her Affidavit.

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 the Affidavit of the Complainant either by post or by email whichever is earlier.

In spite of the above directions, both the parties are at liberty to take initiative and try for an amicable settlement of the issues between them by mutual discussions and if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both, containing the terms and conditions of the mutual settlement, and send the Affidavit (in original) to the Authority before the next date of hearing and in that case there is no need of submitting separate affidavit(s) by Complainant and Respondent, as per the directions given above.

Fix **26.11.2024** for further hearing and order.

Sd/-
(JAYANTA KR. BASU)
Chairperson
West Bengal Real Estate Regulatory Authority

Sd/-
(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority

Sd/-
(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority

Certified to be true copy:

slr

13.09.2024

Special Law Officer
West Bengal Real Estate Regulatory Authority