

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

Complaint No.WBRERA/COM000842

Jharna Paul..... Complainant

Vs

Somnath Ghosh Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 14.08.2024	<p>Advocate Mr. Debasis Chattopadhyay (Mobile - 7890168167 & email Id: debasishchatterjee222@gmail.com) is present in the online hearing on behalf of the Complainant filling hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Authorized Representative of the Respondent Mr. Gopal Krishna Lodha has sent an intimation through email that due to an emergency, he will not be able to attend today's hearing.</p> <p>Let the said email communication of the Authorized Representative of the Respondent dated 14.08.2024 be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>At the time of hearing the Advocate of the Complainant stated that the name of the Complainant is Jharna Roy, by mistake it was uploaded as Jharna Paul at the time of filing online Complaint.</p> <p>Considered and granted the prayer of the Advocate of the Complainant.</p> <p>Let the name of the Complainant be corrected as 'Jharna Roy' in place of 'Jharna Paul'.</p> <p>As per the Complainant,-</p> <p>The plot in issue is a leasehold one and the Lease Deed was executed between the Governor of W.B. and one Subhas Chandra Nag on 19.09.1988. After that, the plot was transferred in the name of Shri. Mohanlal Saha on 14.02.1991. Then Shri. Mohanlal transferred the plot to the complainant on</p>	

25.11.2011. The Complainant became the Lessee of 5 cottahs Nil Chitack 25 sq.ft., of land lying and situated at Plot No. 100, Sub-Block 10 of Block A, in the Kalyani Township, District- Nadia, PO & PS – Kalyani, Pin Code – 741 235, W.B., by virtue of the Transfer of Lease dated 25.11.2011 registered before the ADSR, Kalyani. After that, the complainant on 12.11.2018 entered into an Development Agreement with the Respondent herein. That it was agreed between both the parties, that the Respondent would construct a (G+4) building over the plot for this purpose the Respondent would be liable to pay a sum of total Rs.1,00,00,000/- (Rs. One crore only) and a 3 BHK Flat on South side of 1st Floor or 2nd floor to the complainant herein. It was mutually agreed that at the time of execution of the said Agreement the respondent would pay a sum of amount Rs.10,00,000/- and a further Rs.40,00,000/- would be paid within 15.12.2018 and the rest amount of Rs.50,00,000/- would be paid to the claimant within 6 months of delivering possession to the claimant but 06 years elapsed the respondent has not completed the construction yet. The construction of the said building has been stopped for a long time as a result the constructed portion is getting damaged day by day. The Respondent also has not paid the 50% money till date as agreed by both the parties.

The Complainant prays before the Authority for the following reliefs:-

- a) To pass necessary order/ judgment/award/decree for cancellation of the Development Agreement dated 12.11.2018 entered between the Complainant and the Respondent.
- b) To pass the necessary order/judgment/decree by directing the respondent to return back the entire property being plot no. 100, Sub-Block 10 of Block A, in the Kalyani Township, District- Nadia, PO & PS – Kalyani, Pin Code – 741 235, W.B as is where is basis in favour of the Complainant.
- c) To pass an order directing the respondent to pay the cost of Rs.1.00 crore as damages/compensation or to direct the Respondent to construct a two storied full furnished house over the plot in issue in their own cost in favour of the present complainant.
- d) Any other or further order or orders relief/reliefs as this Authority may deem fit and proper.

Complainant prays before the Authority for the following interim order:-

To pass an order by restraining the men and agents of the Respondent to enter into the plot in issue until disposal of the matter.

After hearing the Complainant, 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:-

The Complainant is directed to submit his total submission regarding their 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 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 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 Complainant either by post or by email whichever is earlier.

Respondent is further directed not to enter in the plot in issue and restrain his men and agents in entering into the plot in issue, until disposal of this matter or until further order, whichever is earlier.

Fix **12.12.2024** for further hearing and order.

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

Ale 14.08.2024

Special Law Officer
West Bengal Real Estate Regulatory Authority