

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

Complaint No. WBRERA/COM000510

Nirmalendu Das Complainant

Vs

Bhutoria Construction Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 30.07.2024	<p>Complainant (Mob. No. 9831123173 & email Id: disharee2@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Legal Executive Smt. Munmun Kar (Mob. No. 9674339333 & email Id: legal@thegemsgroup.in) is present in the physical hearing today 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 Complaint petition, the fact of case is that the Complainant had booked an apartment on 08.10.2018 in a project named 'Gems City' of the Respondent Company in Block - Zircon and as per the Agreement for Sale, the scheduled date of delivery of possession of the apartment was on or before 31st December, 2021. Due to Covid the scheduled timeline was extended upto 30.09.2022. Till date he did not get handover of his flat. He is the only bread earner of his family paying rent as well as installments on time.</p> <p>In this Complaint Petition, the Complainant prays before the Authority for the relief:-</p> <p>As per agreement clause 9.2, the Complainant does not want to withdraw from the project, he want the interest for every month of delay till delivery of possession of his Apartment.</p> <p>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:-</p> <p>The Complainant is directed to submit his 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 15</p>	

(fifteen) from the date of receipt of this order of the Authority through email.

The **Complainant** is also directed to specifically mention in his Affidavit, the remaining works to be done in the flat and in the project.

The **Complainant** is further directed to send a scan copy of his Affidavit alongwith annexure to the email Id of the 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 **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 specifically state in its Affidavit how much time will be needed for completion of the remaining works of the subject matter flat and the project, as per the Affidavit of the Complainant.

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

sd/-

30.07.2024

Special Law Officer
West Bengal Real Estate Regulatory Authority