

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

Complaint No. WBRERA/COM001271

Arun Sharma. Complainant

Vs.

Ankur Nirman Pvt Ltd..... Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 23.05.2025	<p>The Complainant, Arun Sharma is represented by his Learned Advocates, Pratip Mukherjee, Chaitali Mukherjee, Purnankur Biswas and Arun Sharma who appeared physically in the instant hearing today. They have filed the Vakalatnama and Hazira online which should be kept in record. Learned Advocate, Pratip Mukherjee appearing on behalf of his client Arun Sharma also submitted that apart from, Ankur Nirman Pvt. Ltd the Respondent, would include Surendra Kumar Sharma as the Respondent 2 in this complaint hearing.</p> <p>The Respondents, Ankur Nirman Pvt. Ltd. and Surendra Kumar Sharma as the Respondent 2 are absent although well informed. Respondent 2 Surendra Kumar Sharma has informed through e-mail today (23rd May, 2025) at 11.20 a.m. that he is out of station so he is unable to attend the hearing today. He also informed that the notice for his appearance today in the instant hearing was informed to him yesterday that is 22May, 2025 but the fact is that he was informed by this Authority on 16th May at 1723 hours for attendance either physically or virtually through online.</p> <p>Today is the Admission hearing.</p> <p>The Ld' Advocate representing his client, the complainant submitted that his client had entered into an development agreement and a subsequent supplementary development agreement was executed for construction of G+11 project and time for completion of the project was 36 months. The development agreement was executed between his client and the respondent on 11th of March 2016. Even after 36 months and the Kolkata Municipal Corporation has duly sanctioned the plan but the Respondent promoter has failed to complete the project as well as deliver portion of the owners allocation till now and the delay which has been caused by the promoter is intentional to complete this project. Ld' Advocate submitted the project is still continuing.</p> <p>This has led to loss and financial confidence for the Client and for which I have prayed for compensation.</p> <p>And second of all which is the most important prayer is for the delivery of possession of the owners allocation which has not given till now. I am praying for an order</p>	

of injunction restraining him not to sell or alienate or create any 3rd party right in respect of my client, the Complainant of his owner allocation.

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 the Complaint Petition on a Notarized Affidavit mentioning details of complaint and the reliefs sought for annexing therewith notary attested /self-attested copy of supporting documents and a signed copy of the Complaint Petition Form 'M' 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 1 (one) week** from the date of receipt of this order of the Authority by email. The Ld' Advocate submitted that he has already brought his Notarized Affidavit in the hard copy and will comply the above direction as directed.

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 **2 (two) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier. The Respondent is also directed to submit registration certificate of this project under erstwhile WBHIRA or WBRERA along with the Affidavit.

The Authority hereby issues an Ad interim order upon the Respondent not to create any third party interest by selling, altering the substantive part of the Development Agreement to the disadvantage of the Complainant and/or mortgaging the property till further order or the disposal of the instant complainant.

Fix 8 (eight) weeks for further hearing and order.



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