

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

Complaint No. WBRERA/COM001170

Avinash Khatri Complainant.

Vs.

Soumita Construction Pvt. Ltd..... Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 14.05.2025	Complainant, Avinash Khatri, is physically present in the hearing. He has submitted hazira which should be kept on record. Respondent, Soumita Construction Pvt. Ltd., is represented online by the Learned Advocate, Miss Masooma Khan who is requested to submit vakalatnama and hazira either physically or online in the instant matter which should be kept in record. The Complainant has submitted a Notarized Affidavit dated 02/04/2025, containing her total submission regarding this Complaint Petition, as per the last order of the Authority dated 28/02/2025, which has been received by this Authority on 07.04.2025. Let the said Notarized Affidavit of the Complainant be taken on record. The Respondent has submitted his Written Response by a Notarized Affidavit dated 13/05/2025, containing her total submission regarding this Complaint Petition, as per the last order of the Authority dated 28/02/2025, which has been received by this Authority on 13/05/2025 through mail. Let the said Notarized Written Response be taken on record. The Learned Advocate of the Respondent started that the matter is still pending in Alipore Court as the Complainant has filed a Criminal Case under Section 420, 120B and 406 of Indian Penal Code of before the Alipore Court and she has prayed for the Certified Copy of the order of that Court which has not been received by her so she was unable to file Written Response in time. She also stated that the instant complaint case is on the self-same cause of action so the instant complaint case should not be entertained. The Complainant stated that the vide Order No. 3 dated 25.4.2022 the Ld. Sessions Judge, Alipore, South-24-Parganas has disposed of the Criminal Misc. Case No. 1643 of 2022. So the Criminal Case cannot be taken into consideration for not hearing the instant Complaint before this Authority.	

The Complainant stated that the project is still ongoing so it is impossible to give delivery of the flats booked by the Complainant.

The Ld. Advocate appearing for the Respondent stated that the project is registered under WBRERA; the project is still ongoing as there are so many towers; partial C.C is applied for; if the complainant wants to have the flats the Respondent is ready to give the possession of the flat.

The complainant drew attention of all present to some pictures as Annexure A5 attached with his Affidavit showing that the project is not completed and the work is still ongoing.

The Learned Advocate of the Respondent submitted that the Tower-I is fully completed and she could not assure about the position of other Towers.

After hearing both parties, the Authority is pleased to give the following directions:-

- a) The Complainant and the Respondent are directed to make a physical visit jointly about the progress report of the towers where the complainant has booked his 04 flats during which the Respondent is hereby directed to ensure all support and assistance to be provided to the complainant and submit the report in a notarized affidavit before this Authority; and
- b) The Complainant is given two weeks time for filing an Affidavit including the present status of the towers and the flats in issue as mentioned in his complaint and to send the same in hard and soft copies to the Authority and the Respondent also;
- c) The Respondent is hereby given two weeks on receipt of the complainant Affidavit to file the present status of the 04 flats in issue in their written Response through Affidavit with regard to the Affidavit filed by the Complainant; and to send the same in hard and soft copies to the Authority and the Complainant also;
- d) The Respondent is further directed to submit before this Authority compliance of the section 3,4, 19(2) of the RERA Act2016 and WBRERA Rules 2021 and further submit before this Authority as to whether the Quarterly project report is uploaded as directed or not.

Fix after **6 (six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority