

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

Complaint No. WBRERA/COM000445

Khokan Naskar ..... Complainant

Vs

Om Sai Construction.....Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 <u>13.05.2024</u>	<p>Son of the Complainant Mr. Debraj Naskar is present in the online hearing on behalf of the Complainant Mr. Khokan Naskar filing Hazira and Authorization through email.</p> <p>His attendance is hereby allowed today but the Complainant is hereby directed to remain present in person from the next date of hearing and onwards in the online hearing or he may be represented by any Advocate or Chartered Accountant with proper Authorization, as per section 56 of the Real Estate (Regulation and Development) Act, 2016.</p> <p>Mr. Abinash Mohanty is present in the online hearing on behalf of the Respondent filing hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, he has filed the Complaint against the Respondent-Developer regarding the construction of a Building at the Complainant believes that the Construction work carried out by the Respondent has been substandard and poses serious safety risk to the residence.</p> <p>Low -Quality Materials: OM Sai Construction is using very poor quality materials in their building, compromising its durability and safety.</p> <p>Lack of Fire Safety Precautions: The Respondent-Developer has not taken adequate fire safety measures, putting residents at risk in case of emergencies.</p> <p>Inferior Iron Rods: The iron rods used in the building's structure are of substandard quality, potentially endangering the building's stability.</p> <p>Water seepage: During this rainy reason, water is seeping into the floors</p>	

and dropping from above, leading to a damp and unsafe environment.

Developer's Threats: when questioned about the issues, the Respondent-Developer resorted to threats and intimidation instead of addressing the concerns.

Missing fire Water Tank: The fire water tank, which was part of the sanctioned plan, has not been installed, and the Respondent-Developer refuses to rectify this.

Discrimination in Construction: Om Sai Construction is showing bias by constructing their personal building block with better materials while providing low-quality materials for their Block B.

Unauthorized submission: Om Sai Construction submitted the building plan without owners' approval, violating their rights and transparency.

Lack of security facilities: The building lacks proper power backup and CCTV facilities, compromising residents' safety.

Rooms in their Block B are constructed significantly smaller than the size mentioned in the approved plan.

The developer's own building is being constructed with much larger-sized rooms, indicating unequal treatment.

This deviation compromises their living space and violates their rights as buyers.

The Complainant prays before the Authority for the following relief(s):-

1. A thorough investigation into the construction practices of OM Sai Construction for their building, Block B, to ascertain the use of low-quality materials and deviations from the sanctioned plan.
2. Rectification of the construction to comply with the approved plan, ensuring that the size of rooms and other features match the specifications mentioned in the sanctioned plan.
3. Implementation of proper fire safety measures, including the installation of a functional fire water tank, to ensure the safety and well-being of the residence.
4. Installation of essential security facilities, such as a reliable power backup system and CCTV surveillance, to enhance the security and

safety of all residents in the building.

5. Ensuring fair and equitable treatment in the construction of their block B, without any discrimination in the quality of materials used compared to the developer's personal building.
6. Appropriate legal action and penalty against Om Sai Construction if found guilty of violating construction guidelines and compromising the safety and rights of the residence.

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:-

The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested 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 soft copies, within **15 (fifteen)** 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 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 soft 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.

Fix **11.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)  
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority