

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

Complaint No. WBRERA/COM000487

Babita Jodhani. Complainant

Vs

PS Group Realty Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 13.05.2024	<p>Mr. Vinod Kumar Jodhani, Authorized Representative of the Complainant is present in the online hearing filling hazira and authorization through email.</p> <p>Mrs. Moumita Kumar & Mrs. Taniya Saha authorized Representative of Respondent Company are 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, she is the Director of Ayush Tradelinks Private Limited making the complaint on behalf of the company. Ayush Tradelinks Private Limited booked an office space No. 631 (office no. 626 in the sanction plan) in project 'ABACUS' (project registered under HIRA registration No. HIRA/P/NOR/2018/000011 dated 29.09.2018) with a carpet area of 390 sq.ft vide an Agreement for Assignment dated 02.05.2019. Now her complaint against promoter is as follows:-</p> <ol style="list-style-type: none">1) Wrongful calculation of carpet area by the Respondent-Promoter totally defying the Section 2(j) of HIRA Act and Section 2(k) of RERA Act and violation of Section 60 and 61 of the HIRA and RERA Act. If the Complainant is forced to accept office with carpet area of 360 sq.ft. after paying for 390 sq.ft. carpet area.2) Putting clauses in the agreement in violation of the HIRA Rule 9 and RERA Rule 9 and again violation of clause 2(i) of the HIRA registration certificate No. HIRA/P/NOR/2018/000011 dated 24.09.2018 by promoter claiming wrongful tolerance of 3% on the measurement. Claiming wrongful transfer charges etc.	

- 3) Discrimination by the promoter which violates the HIRA Rule 3 (2) and RERA Rule 3 (4), and also declaration given by the promoter for getting the HIRA registration.
- 4) Delay in handover of the office by more than 6 months in spite of their making all demanded payments violating section 18 of the HIRA Act as well as RERA Act and also violation of Rule 9 (Annexure A, clause 7 POSSESSION OF THE APARTMENT/PLOT) of both HIRA and RERA Act.

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

1. The Complainant prays for an order to make final calculation and settlement based on actual carpet area as per the HIRA / RERA with refund of the amount to her alongwith all due interest as allowed under relevant law.
2. Since promoter delaying handover possession of the office to her inspite of her making all demanded payment on 27.01.2023 itself, she pray for order against promoter to handover the office to her and compensate as per the section 18 of the RERA Act and also bear her loss (which she could have earned by renting this property) of Rs.40,000/-per month or part there of w.e.f. 27.01.2023 till the time of handover. Promoter should also bear all costs related to this office for such delayed period which includes all cost like maintenance cost, any electricity charges bill, generator operation cost, common area maintenance cost, property tax, municipal tax or any other associated cost and any statutory liability arises during such delay.
3. She also reserves her right to make further claim on promoter for compensation due to such delay and harassment on account of preparing an Agreement in violation of the HIRA / RERA act, wrongful measurement of carpet area under RERA, discrimination with the, and for delay in handover of office etc.

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 her 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 **10 (ten)** 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 **10 (ten)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **09.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority