

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

Complaint No.WBRERA/COM 000159

Malabika Roy ..... Complainant

Vs.

Sundar Das (Nitai Naresh)..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
02 21.09.2023	<p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing today despite due service of hearing notice through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant she has booked a flat in the 2nd floor of the 'Goura Apartment' in the year 2014 from the Respondent Sundar Das (Nitai Naresh). The Agreement for sale was executed between the two parties on 03.07.2015. She cannot pay tax in her own name. There is no record in BLRO office in her name and the flat is in the name of the person from which she has purchased the flat. There is no active association. There is no caretaker, day guard, or night guard and permanent sweeper. It's a 5 storied ordinary building where there is no lift too. Recently the maintenance cost has been charged Rs. 1.00 (Rupees one) only per square feet. Earlier it was 60 paisa (Sixty paisa) per square feet. The Respondent firmly refused to show the expenditure details when the Complainant asked him to do so. When she refused to pay maintenance, the Respondent disconnected her water supply for a long time in the year 2019. Again in the month of February of present year he nearly disconnected her water supply by extremely slowing down its force. His personal manager Bapi prabhu also behave in rude manner.</p>	

After hearing the Complainant, the Authority is of the considered opinion that this matter cannot be admitted for further hearing and order u/s 31 of the Real Estate (Regulation and Development) Act, 2016 as the instant flat is a Resale flat that is the Complainant purchased it not directly from the Promoter but from a third party and resale flat does not come within the purview of RERA Authority.

Hence this matter is hereby dismissed on the ground that resale flat is outside the jurisdiction of the WBRERA Authority.

Let copy of this order be served to both the parties immediately by speed post and also by email.



(SANDIPAN MUKHERJEE)  
Chairperson  
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority