

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

Complaint No. WBRERA/COM 001326

Prabhat Jaiswal Complainant

Vs

Mandiv Properties Pvt. Ltd Respondent 1

Shyam Sundar Patodia Respondent 2

Bank of Baroda Respondent 3

Baba Bhoothnath Construction Respondent 4

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 20.08.2025	Chartered Accountant, Mr. Gopal Krishna Lodha (mobile no:- 990327533 and email id:- rrlservices2018@gmail.com) being the Authorized Representative of the Complainant is present in the physical hearing filing authorization and signed the attendance sheet. Respondent No. 4 represented by Mr. Abhishek Chokhani (mobile no:- 9830069692 and email id:- bhoothnathconstructions@gmail.com) is present in today's hearing physically and signed the attendance sheet. The Authorized Representative for the Complainant submitted that his client booked a flat in a project named "Kalamunj Sarada Tower" which was registered with erstwhile WBHIRA, now after a lapse of more than 8(eight) years the construction of the project remains incomplete and his client has not yet received possession of his flat. Further he submitted that Agreement for Sale was executed between the Complainant and Respondent No. 4, "Baba Bhoothnath Construction". He further submitted that land owner by default has mortgaged the land with Bank of Baroda upon which the project is in constructed. Now, on default on the part of the land owner "Bank of Baroda" has issued notices against symbolic possession of his client's flat. The Complainant's Representative categorically stated that the Agreement for Sale between his client and Respondent No.4 is not inclusive of the land owner. He also added that "Bank of Baroda" issuing Loan to the land owner becomes a promoter along with the land owner as defined in section 2(zk) of the Real Estate(Regulation and Development) Act, 2016. He further stated that the flat booked by the Complainant should not be affected by creating any third party interest. The Representative of the Respondent No.4 also agreed to the submission	

made by the Complainant. He further submitted due to the notices served by Bank of Baroda, Respondent No.3 he is unable to complete the project and prayed before the Authority that the issue of mortgage of land between the land owner and the Bank should be limited to the land owner's portion of the project being constructed and he should be given NOC from the Bank to complete the project and undertake early registration of the flat with the home buyers as per commitment to the homebuyers.

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 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 **21 (twenty-one)** days from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit their 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 **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Authority further directs Respondent No.3, i.e. "Bank of Baroda" and all other Respondents to mandating Status Quo to the instant right of the Complainant and do not create any third party interest in respect of the flat booked by the allottee till further order or disposal of the case.

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



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority