

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/COM000457

Megacity Association of Apartment Owners ..... Complainant

Vs

Avijit Naskar ..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 05.06.2024	<p style="text-align: center;">Advocate Mr. RajKrishna Mandal (email Id: <a href="mailto:emailrkadv@gmail.com">emailrkadv@gmail.com</a> &amp; Mob. No. 9163006387) is present in the online hearing on behalf of the Complainant filing hazira and vakalatnama through email.</p> <p style="text-align: center;">Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p style="text-align: center;">Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p style="text-align: center;">Respondent has submitted a letter dated 03.06.2024 through email to the Authority stating that Mr. Avijit Naskar, Managing Director of Megacity Apartments Private Limited is out of station due to some medical ground and therefore the Respondent prayed for adjournment of today's hearing and requested for providing a suitable alternative date for the hearing.</p> <p style="text-align: center;">Let the said email communication of the Respondent be taken on record.</p> <p style="text-align: center;">Considered and rejected the prayer of the Respondent. As today is fixed for Admission hearing of this matter, therefore, presence of the Respondent is not compulsory. The Respondent should be present on the next date of hearing.</p> <p style="text-align: center;">Heard the Complainant in detail.</p> <p style="text-align: center;">As per the Complaint Petition: -</p> <ol style="list-style-type: none"><li>1. Corpus Fund is yet to be transferred to the Registered Association.</li><li>2. Parking Area is not yet demarcated as per the registered deed.</li><li>3. Sewage treatment plant (STP) not yet in operation.</li></ol>	

4. Fire fighting system is not yet tested.
5. Incomplete Gas pipe line installation.
6. License for Pipe Line Supply of gas is not available and not insured.
7. Poor present condition of the building
  - a. Crack in the side wall and several areas of all the blocks.
  - b. Fall of plasters of the side walls of the blocks.
  - c. Outside colors of the buildings are fade.
8. Boundary walls of the eastern side of the project are not erected.
9. Boundary wall of the natural water body may fall off at any point of time.
10. Elevator of the club house is not installed.
11. Ac facility is not provided in the big Banquet hall.
12. Handover of the club house to the registered association after installing lift and AC facility in the Banquet Hall is yet to be done.
13. Disparities in the deeds.
14. WBSEDCL Electric Meters are yet to be installed in Block 7 & 8.
15. Segregation of electric point – 5 Amp electric points to be segregated in the blocks.
16. Auto switch panel for DG in Phase II.
17. No commencement of super market as proposed.
18. No bus service from Deeshari Megacity to Dhalai Bridge as proposed.
19. Installation of list in Block 7 is still pending.
20. The repair work of the internal roads was not done properly.

The Complainant prays before the Authority for the relief of completion of all the matters as specified in the Facts of the case in the Complaint Petition within 3 months.

Complainant prays for the following interim orders:-

- a) Immediate transfer of the Corpus Fund amounting to Rs.50,00,000/- (Rupees Fifty Lakhs Only) to complete few urgent works of repair and renovation.
- b) Immediate activation of the Fire Fighting System.

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 its total submission regarding the 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 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 **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 Respondent is also directed to appear positively on the next date of hearing, failing which, this Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter on the next date of hearing, for the ends of speedy disposal of justice as per the provision of section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

Fix **13.08.2024** for further hearing and order.

  
(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority