

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

Complaint No.WBRERA/COM000897

Kameshwar Prasad. Complainant

Vs.

Bengal Shapoorji Housing Development Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 <u>24.07.2024</u>	<p>Mr. Abhishek Roy being Authorized Representative and constituted Attorney of the Complainant (Mob. No.9331145180 & email Id: drmadhubalaroy@gmail.com) is present in the online hearing filing hazira through email. He is directed to send scan copy of the Power of Attorney to the Authority through email.</p> <p>Advocate Smt. Sanjukta Ray (Mob. No.9830045941 & email Id: pkspasa@gmail.com , sanjukray@gmail.com) is present in the online hearing on behalf of the Respondent Promoter Company filing hazira and authorization through email to the Authority.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant he has booked an Apartment bearing No. M/77/0702 (Spriha) at 'Shukhobrishti Phase 6' of the Respondent Promoter Company and he was allotted the said Apartment in June 2016 in due process by the Respondent Company. As per the said Allotment and subsequent documentation, all compliances have been duly completed from the end of the Complainant. All necessary payments at defined interval were made by the Complainant.</p> <p>However, the possession and registration of the said Apartment has still not been completed from Respondent Promoter's side. It is overdue by more than three (3) years.</p> <p>The bank has issued multiple financial penalties as registration is incomplete. The Respondent-Promoter has been continuously delaying citing various excuses. This has caused not only financial loss but also mental harassment to the Complainant.</p> <p>The Complainant has requested the Authority to take up this case with utmost urgency and demanded compensation for his financial loss and personal harassment.</p> <p>Complainant prays for the following reliefs:-</p>	

The Complainant prays before the Authority for the relief to take up the case with utmost urgency and demanded interest for the delay period in giving possession and compensation for financial loss and personal harassment. Also, he requested to give necessary direction so that the Respondent Promoter expedites handover and registration of the said Apartment allotted to him.

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 his Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested copy of 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 scan copies, within **7 (seven)** days from the date of receipt of this order of the Authority by email.


The Complainant is directed to send the scan copy of his affidavit alongwith annexure to the email id of the Advocate of the Respondent as mentioned above.

The Complainant is further directed to provide in a Tabular Form chronologically the payments made by him specifying date, amount and money receipt number, if any, in the said table in his Affidavit.


The **Respondent** is hereby directed to submit its Written Response on Notarized Affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of 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 scan 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.

In spite of the above directions, both the parties are at liberty to take initiative and try for an amicable settlement of the issues between them by mutual discussions and if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both, containing the terms and conditions of the mutual settlement, and send the Affidavit (in original) to the Authority before the next date of hearing and in that case there is no need of submitting separate affidavit(s) by Complainant and Respondent, as per the directions given above.

Fix **23.08.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority