

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

Complaint No. WBRERA/COM 001534

Urban Heights Residents Complainant

Vs

Deeprekha Tracom Private Limited Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 <u>25.02.2026</u>	<p>Ld' Advocate Vinit Sharma (mobile no:- 6290088215 and email id:- advocate1319@gmail.com) along with Mr. Asim Kumar Roy, Debanurag Basu, Hazarilal Roy, Sunil Kumar Mondal, Sanjib Roy are present in today's hearing physically on behalf of the Complainant by filing vakalatnama and signing the attendance sheet.</p> <p>Chartered Accountant, Mr. Gopal Krishna Lodha (mobile -9903275333 and email:- rrlservices2018@gmail.com) along with Ld' Advocate Arkoprovo Dutta (mob:- 9903275333 and email:- rrlarkoprovodutta2018@gmail.com) is present in today's hearing physically on behalf of the Respondent Company by filing Authorization, and signing the attendance sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Ld' Advocate for the Complainant the fact of the case is that complainant is a representative body (unregistered) which has been duly authorised to carry out day to day administration of maintenance works and to represent the owners in any official forum. Such authorisation has been made by the Flat Owners of Urban Heights located at the project "Urban Heights" having address at K.M.C Premises no. 20, Rajdanga Main Road, P.S – Kasba, Pin – 700107 (previously 700078), West Bengal, India, having three block/buildings i.e. A,B (both g+7) and C(g+3). The respondent is the developer of the said project having address as mentioned in the case title. As per the HIRA certificate no. HIRA/P/KOL/2020/000770 there are 64 apartments (55 units of 3BHKs and 9 units of 2BHKs) in the said project along with 10 open parking and 50 covered parking in the said project. The allottees have booked their respective flats with the respondent directly or through investors as the confirming parties, and all the individual apartment units and parking spaces have been duly sold in the process. To complete the process of sale transactions, agreements for sale have been entered into and the deeds of conveyance have been accordingly executed by the allottees and the respondent on respective dates. However, till date, the allottees have been deprived of the basic entitlements by the respondent, including but not limited to the following:</p> <p>I. Amenities/Facilities including Gymnasium, Adda-Zone for Senior Citizens, Non-supply of Potable Water Connection, Under-Developed garden and no vertical fountain as per brochure, Garbage Disposal Arrangement, AC Panel Fitment, Jogging Track, Rooftop Garden, Amphitheatre.</p>	

II. Statutory Documents

Handing over all the requisite Property/Amenities/Legal NOC Documents for future reference and maintenance. i.e. Fire Safety Recommendation (FSR), Fire Safety related documents ,DG Set License/Pollution Certificate – Consent to Operate, Consent to Installation

Earthing Pit Report (Electrical Audit Report)

Lift License and NOC, Property Completion Certificate, Final Sanction Plan Documents

Electrical Drawings/diagram, Plumbing diagram/drawing

Valid Possession letter along with Occupancy Certificate issued by authority and valid parking Allocation Letter to all individual flat owners.

Confirmation on sole rights of Common Area (if any area has been sold to anyone other than the allottee/ purchaser), Compliance relating to Insurance of the project.

III. Construction Defects/Flaws

Water ingress in Lift (in B block and C block) and damaging Electrical panel of 2 Lifts of B block

Damp in Ground Floor Staircase Area

Rooftop Artificial Grass Damage and Chances of Water Seepage

Cracks outside Plastering

Huge Seepage of Water from Rooftop Doors inside Staircase

Rusting of Hydrant Fire Pipes due to Poor Paint Quality, poor workmanship and supervision, Insufficient Solar Panel Capacity to illuminate entire Urban Heights Common Area

The amenities/ facilities mentioned hereinabove had been advertised by the respondent in the sales brochure of Urban Heights and it is averred that a large number of allottees/ purchasers had taken their respective decisions to purchase their apartments at Urban Heights based on such representations of a premium quality housing complex with amenities and facilities that are qualitatively befitting such premium character. However, even after almost two and a half years of the execution of the deed of conveyance, the allottees/ purchasers have been deprived by the respondent by both statutory documents, as well as the facilities and amenities as promised. Additionally, the quality of the construction is also not up to the mark, resulting in several situations arising out of inferior and defective construction that have required urgent interventions (and concomitant expenditure being incurred) by the Representative Body of Owners.

Hence the instant complaint case for relief mentioned herein below and direction upon the respondent as mentioned in the Form M:-

(a) to provide valid Occupancy Certificate/Possession letter with verified measurements and a valid parking allotment letter as per KMC approved plan to the purchasers/allottee of flats and pay compensation for the delay

(b) for Registration of Association

(c) to facilitate handover of the common areas free from all encumbrances

(d) to provide and compensate for maintenance service till handover of project to the association

(e) for all the Documents, hard copy or soft copy, which are statutorily required to be handed over to the Association/allottees

(f) for clearance of outstanding taxes which was not cleared by the respondent

(g) handover of updated copies of all plans, NOCs and FSC.

(h) provide fresh drinkable water and gymnasium and compensate for the delay.

(i) Adda Zone for Senior Citizens to be created in the ground floor

(j) proper Garden as per as per brochure,

(k) Garbage Disposal arrangement

(l) compensate for arrangement for keeping the AC outdoor unit,

(m) Jogging track,

(n) Amphitheatre in the ground floor

(o) rooftop garden

(p) provide proper Solar Panel as per KMC norms for illumination of the common areas and compensate for the delay

(q) rectify or compensate for defects in Construction outside/inside in both buildings and roof, lift lobby

(r) repair of driveway

(s) compensate/refund the allottees/complainants for huge cost for their repairs by the flat owners till date for common areas and facilities.

(t) Direction upon the respondent to refund/compensation for loss suffered by the allottees for deficiency in services

(u) taking insurance coverage

(v) litigation cost.

(w) Fire extinguishers provided by the developer is too meagre. These must be provided in sufficient numbers as required under fire safety norms.

(x) any other relief as may be deemed befitting by the Ld. Authority.

The authorized representative for the respondent objected to the filing of the instant complaint under section 31 of the RE(R&D) Act 2016 and raised the issue of the Complainant as defined for filing of the complaint u/s 31 of the RE(R&D) Act 2016 and sought dismissal of the instant complaint

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: -

- A. 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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.
- B. 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 same (in original) to the Authority serving a copy to the Complainant, both in hard and soft 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.

Fix after **6(six) 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