

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 001475

Ashfaque Hussain ..... Complainant

Vs

Charles Commercial Private Limited ..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 14.01.2026	<p>Complainant (ph:- 9339822348, email:- <a href="mailto:ashfaquehussain192@gmail.com">ashfaquehussain192@gmail.com</a>) is present in the hearing physically and signed the attendance sheet.</p> <p>Advocate Arcoh Chaterjee (mobile:- 8420378365 and email:- <a href="mailto:arcoh.adv@gmail.com">arcoh.adv@gmail.com</a> ) is present in the hearing today physically on behalf of the Respondent Company by filing Vakalatnama and signing the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>The Complainant booked a Flat in the Tanzanite Tower-2 Gems City Project developed by Gems Group on 10.12.2021 and the possession of the said flat was promised on or before middle of 2022. The Complainant has already paid a large amount of money by taking home loan and for having no possession of the said flat he has to pay both rent and home loans simultaneously, causing severe financial distress.</p> <p>The Complainant prayed for the following reliefs:-</p> <ol style="list-style-type: none"><li>1. Direct the Respondent to pay delay compensation to the Complainant in accordance with the terms of the Agreement for Sale;</li><li>2. Direct the Respondent to complete the construction of the subject unit at the earliest and hand over possession of the flat to the Complainant on or before June, 2026, along with all promised and agreed-upon amenities, in line with the extended timeline granted by this Hon'ble Authority;</li><li>3. Ensure that no further extension of time for project completion is granted to the Respondent beyond June, 2026, in the interest of justice, transparency, and accountability;</li><li>4. As several other allottees are similarly affected and have filed or intend to file petitions against the same project on similar grounds, direct that a joint hearing be conducted for all such complaints to ensure efficient adjudication and collective redressal of grievances; and for other reliefs as the Authority deems fit.</li></ol>	

The Complainant submitted in today's hearing that the Respondent is delaying giving possession of the flat as agreed upon by him as per the Agreement of Sale after assuring the complainant of early delivery and raising further demand without providing them the status report of the project and the Architect Certificate regarding the progress of the Project and thereby depriving the allottee's right to know the status of the project before making payment as per the Provision of Section 19(2) of the Real Estate (Regulation and Development) Act, 2016 the thus the Respondent has violated the Provision of RERA Act and Rules.

The Learned Advocate appearing for the Respondent submitted that the instant complaint is not maintainable as the Respondent has already got extension till June, 2026.

Now, as per Provision of Section 11 of the Real Estate (Regulation and Development) Act, 2016 wherein the Promoter/Developer has different duties and responsibilities including the handing over possession to the Allottee in time bound manner in terms of Agreement for sale, mere extension given by the Authority does not empower the Promoter to ignore the Provision of Section 11 and other relevant issues along with the terms and conditions of the Agreement for Sale as mandated by the RE(R&D) Act 2016 and WBRERA Rules 2021. So, the submission made by the Learned Advocate for the Respondent with regard to maintainability of instant Complaint, is not taken into consideration and the Authority considers that the instant Complaint matter is very much admissible under **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**.

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:-

**A.** The Complainant is directed to submit his 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 in 'M' Form 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 **2 (two) weeks** from the date of receipt of this order of the Authority by email.

In Case of joint or more allottees, all of them is regarded as joint Complainants and are directed to submit joint Affidavit in support of the Complaint Petition in the line of direction as stated above having their joint signature/s.

**B.** 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, both in hard and soft copies, within **3 (three) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

**C.** The Complainant is hereby further directed to file Affidavit of Service at the time of next hearing.

Fix **after 6 (six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority