

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

Complaint No.WBRERA/COM-000040

Bharati Das

.....Complainant

Vs

Sushil Kumar Sharma

.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 14.03.2023	<p>Complainant is present in the online hearing.</p> <p>Advocate Debasis Chattopadhyay is present on behalf of the Respondent filing hazira and authorization.</p> <p>Heard both the parties in detail.</p> <p>On perusal of the Complaint Petition it transpires that the flat has been booked by the Complainant along with her husband (Asis Das) jointly but his name has not been included in the Complaint Petition and he has not signed the same. Also she has not include the promoter company as a Respondent.</p> <p>Therefore the Complainant is directed to submit a Notarized Affidavit, which will supplement the instant Complaint Petition, signed by both the Complainant and her husband, praying for inclusion of the name of Asis Das as joint Complainant in the Complaint Petition and inclusion of the promoter company M/s. Maa Batai Construction as a Respondent and send the affidavit to the Authority serving a copy of the same to the Respondent, within 7 days from the date of receipt of this order of the Authority by email.</p> <p>As per the Complainant an Agreement for Sale was executed between the Respondent and the Complainant on 11th August, 2017</p>	

for purchase of a flat by the Complainant bearing flat No. 201 in the Project named 'Maa Batai Apartment' in the 2nd Floor, situated at Andul Station Road at Howrah, Total value of the said flat is Rs.15,54,000/- (Rupees fifteen lakhs fifty four thousand) only. Total payment made by the Complainant till date is Rs.11,00,000/- (Rupees eleven lakhs) only in this regard as stated in the Complaint Petition.

Complainant prays for the relief of termination for the said Agreement for Sale and refund of the total money paid by her along with interest and compensation as the Respondent failed to complete the construction and handover the said flat within schedule time i.e. within 30.09.2018 as per the Agreement for Sale.

After hearing the Complainant, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit her total submission regarding this Complaint Petition on another Notarized Affidavit signed by both the Complainant and her husband, annexing therewith notary attested supporting documents, if any, and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 10 days from the date of receipt of this order through email.

The Respondent is directed to submit his Written Response regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 10 days from the date of receipt of the Affidavit of the Complainant.

Respondent is further directed to annex with his affidavit the notary attested copy of sanction plan of the additional 4th floor of the building, completion certificate / occupancy certificate of the building and copy of the letters by which they have offered possession to the Complainant along with the service report.

The Complainant is further directed to submit his Reply/Rejoinder, if any, on a Notarized Affidavit and send the

original affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 10 days from the date of receipt of the Affidavit of the Respondent.

Fix **25.04.2023** for further hearing and order.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

It is certified to be true copy.

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Special Law Officer
West Bengal Real Estate Regulatory Authority