

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

Complaint No. WBRERA/COM001644

Gayatri Gupta.Complainant.

Vs.

Bengal Shriram Hi-Tech City Private Limited. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>03.12.2025</u>	<p>The Complainant, Gayatri Gupta, represented by Ritesh Gupta who appeared physically at the time of hearing of the instant Complaint. They have submitted hazira which shall be kept in record and one Authorization Letter of the Complainant authorizing her son, Ritesh Gupta has been filed.</p> <p>The Respondents, Bengal Shriram Hi-Tech City Private Limited, is absent at the time of hearing.</p> <p>The Representatives of the Complainant submitted that the Complainant booked a residential Unit E13-13-03 on 04/01/2024 in the project situated at Uttarpara, Hooghly of the Respondent. She entered into an Agreement for Sale dated 30/01/2024. As per the said Agreement, the Respondent was obligated to complete construction and hand over lawful possession of the unit, along with a valid Completion Certificate issued by the competent authority i.e., the Kolkata Municipal Development Authority (KMDA), by September, 2024. The Complainant has already paid 92.5% of the total consideration amount of the said Flat in accordance with the agreed payment schedule, demonstrating full financial compliance and bona fide intent. Despite such substantial payment, the Respondent has failed to fulfill its contractual obligations and statutory duties under RERA. Instead of obtaining a valid Completion Certificate from KMDA the Respondent has fraudulently obtained and circulated a false and illegal "Completion Certificate" purportedly issued by the Kanaipur Gram Panchayat, which has no jurisdiction whatsoever to issue completion certificates for projects sanctioned by the KMDA. The issuance and reliance on such a document constitute a serious act of misrepresentation, deceit, and violation of statutory provisions and in response to an RTI filed by the Complainant, the KMDA has officially confirmed that No Completion Certificate has been issued by KMDA for this Project. No authorization has ever been granted to Kanaipur Gram Panchayat to issue any such Certificate. Furthermore, the Kanaipur Gram Panchayat has failed and deliberately refrained from replying to the RTI filed by the Complainant on the same subject, on the same subject, compelling the Complainant to file a Second Appeal before the State Information Commission, West Bengal, which is currently pending adjudication. The Panchayat's silence despite a statutory obligation to respond under the Right to Information Act, 2005 further reinforces the inference that no lawful completion certificate exists for the said project. When</p>	

the Complainant demanded that the Respondent produce a valid Completion Certificate issued by the KMDAS, the Respondent failed to do so and, instead of addressing the legitimate concern, issued an unlawful cancellation letter dated 4th September, 2025, seeking to terminate the Complainant's allotment. The said cancellation was issued retaliatory, immediately after the Complainant pressed the Respondent to produce lawful completion documents. Furthermore, during a visit to the Respondent's Office, the concerned staff verbally admitted that obtaining a valid Completion Certificate from KMDA may take another 1 to 2 years, thereby confirming that the project has not yet achieved lawful completion. This makes the purported claim of project completion wholly false and deceptive. The Respondent has failed to pay the due delay compensation as required under Section 18(1) of the said Act which mandates payment of SBI's MCLR+2% per annum for the period of delay beyond September, 2024. The Respondent has not uploaded any valid Completion Certificate on the Official WBHIRA portal, in violation of Section 11(1)(b) and (c) of the said Act, thereby confirming that the project has not lawfully achieved completion.

The Representatives of the Complainant prayed for the following reliefs:-

- a) Declare the cancellation notice dated 04/09.2025 as illegal, void and contrary to RERA and the registered Agreement for Sale;
- b) Direct the Respondent to withdraw the cancellation and restore the allotment of Unit E13-13-03 forthwith;
- c) Order that any pending dues be adjusted against the Complainant's entitled delay compensation, and that the balance compensation be paid monthly as rent reimbursement until valid possession is delivered with a KMDA-issued Completion Certificate;
- d) Direct the Respondent to submit and upload the genuine KMDA Completion Certificate on the WBRERA portal; and impose penalties under Sections 61, 63 and 65 of the Act for misrepresentation, delay and non-compliance.

The Complainant also prayed for the following Interim Reliefs till pending final adjudication of this Complaint :-

- a) Stay the operation and effect of the cancellation notice dated 04.09.2025 and direct that the Complainant's allotment shall not be cancelled, forfeited, or re-allotted to any third party during the pendency of this Complaint;
- b) Restrain the Respondent from creating any third-party interest or executing/registering any sale deed or conveyance in respect of Unit E13-13-03;
- c) Direct the Respondent to maintain status quo with respect to the Complainant's rights and to continue reflecting the complainant as the lawful allottee in all project records and RERA disclosures;
- d) Direct the Respondent to deposit with this Authority an amount equivalent to the accrued delay compensation (as per SBI MCLR + 2%) to

secure the complainant's claim;

e) Direct the competent registering authorities (Registrar/Sub-Registrar, Hooghly) to withhold or suspend all property registrations in Shriram Grand One until the Respondent produces and uploads a valid Completion Certificate issued by KMDA;

f) Direct KMDA to submit a status report before this Hon'ble Authority clarifying whether any Completion Certificate has been issued or is still pending and

g) Pass such further interim or consequential orders as this Hon'ble Authority may deem just and proper in the facts and circumstances of the case.

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:-

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 Form 'M' 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.

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 **2 (two) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Complainant is hereby further directed to authorize her representatives for representing her through proper Power of Attorney or through any person as per Provision of RERA Act.

The Respondent is hereby directed to maintain status quo with respect to the Complainant's rights over the said unit and further, not to create any third-party interest or execution/registration of any sale deed or conveyance in respect of Unit E13-13-03 till the next date of hearing of the instant Complaint.

The next date of hearing is **6 (six) weeks** from date.



(JAYANTA KR. BASU)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority