

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

Complaint No. WBRERA/COM(PHYSICAL)000060

Praveen Kumar Poddar..... Complainant

Vs

Kish Developers LLP..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 22.02.2024	<p>Advocate Lalit Baid is present on behalf of the Complainant filing hazira and vakalatnama through email.</p> <p>Chartered Accountant Amit Kumar Kedia (email - legal@kcapl.com) is present on behalf of the Respondent. He is directed to send his hazira and authorization through email to the Authority immediately after today's hearing.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant he is the flat owner of the flat bearing no. 9B at the Housing Complex namely, 'The Icon' developed by the Respondent-Developer, situated at 5A/1C, Lord Sinha Road, P.O.- Middleton Row, P.S.- Shakespeare Sarani, Kolkata - 700071. A registered Agreement for Sale was executed between the parties on 12.06.2019. As per the conditions of the sale deed dated 27.04.2022, the Complainant duly paid the entire consideration amount and thereafter the said flat was conveyed and registered in the name of the Complainant by a deed of conveyance dated 27.04.2022.</p> <p>The Complainant alleged that the Respondent has made several deviation from the original plan and series of misrepresentation and fake promises have been made by the Respondent.</p> <p>In this Complaint Petition the Complainant prays before the Authority for the following relief(s):</p> <p>a) To issue show cause as to why proceedings should not be initiated against the Respondent in terms of section 35 of the RERA Act, 2016; and</p>	

- b) An order directing the Respondent to refund the extra amount which the developer has charged illegally and falsely in respect of the flat of the Complainant at the 9th floor being no. 9B by allegedly mentioning wrong floor area of the said flat; and
- c) An order directing the Respondent to restore / or make a modification in common portion of the said building as per sanction plan being number 2107070036 dated 05.06.2017; and
- d) An order directing the Respondent to restore the building as per the sanctioned plan to demolish the illegal construction which was illegally constructed on the roof of the said building and other parts of the building, if any; and
- e) An order directing the Respondent to handover the common area of the said Building which is forcefully being enjoyed by Promoter from the 14th to 16th floor as well the terrace of the building; and
- f) An order directing the Respondent to free and / or remove obstruction in the private path, lift area of the said building and handover to other flat owners and others as mentioned in the Complaint Petition; and
- g) Compensation; and
- h) Cost of Litigation; and
- i) Such further and / or other reliefs.

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 Complainants are directed to submit their 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 through email.

Complainant is further directed to send a scan copy of his whole Affidavit to the authorized representative of the Respondent through email to the email address as mentioned above.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the

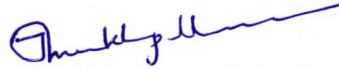
Complainants, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainants, both in hard and soft copies, within **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainants either by post or by email whichever is earlier.

Fix **15.04.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHAY)
Member

West Bengal Real Estate Regulatory Authority