

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 (physical) 000239

Sri Sunil Kumar Tiwari ..... Complainant

Vs.

Sri Biswanath Saha and ors ..... Respondent

| Sl. Number and date of order | Order and signature of the Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Note of action taken on order |
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| 01<br>03.07.2025             | <p>Complainant is present in today's hearing physically signing the Attendance Sheet.</p> <p>Respondent is absent in the hearing, despite due service of the hearing notice through speed post.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, he got a portion of his ancestral land at Mouja-Sheoraphuli, J.L. no- 06, holding no-9, Goswami Bagan Lane, within the jurisdiction of ward no – 9 under the Baidyabati Municipality and he, along with one of his brothers executed a Development Agreement with the Respondent giving General Power of Attorney in favour of the Respondent on 15.12.2023.</p> <p>The Respondent also purchased some land on two separate holding numbers adjacent to the said land and started construction of G+5 floor building unauthorizedly amalgamating the entire land without consent of the Complainant and getting the plan sanctioned by the Baidyabati Municipality.</p> <p>The Complainant further stated that as per development agreement there was provision of separate building over their ancestral land having private passage on the periphery of the said building. The Complainant also stated that in spite of written compliance on this issue neither the Respondent nor the Baidyabati Municipality has taken any step against the illegal and unauthorized construction over the said plots.</p> <p>In view of the above the Complainant prays for the following reliefs:-</p> <p>i) To give direction upon the Respondent not to change the nature and character of the entire construction.</p> <p>ii) Direction upon the Respondent not to transfer and/or sell any part</p> |                               |

- or portion of the entire project.
- iii) The Respondent to demolish the entire unauthorized and illegal construction done on holding no. 21/9 and 20/1 Goswami Bagan lane violating the provision of the Development Agreement by encroaching the private passage of the Complainant and also violating West Bengal municipal Act.
  - iv) Direction upon the Respondent to comply with the provision of Development Agreement and to act in strict Adherence to West Bengal Municipal Act and the WBRERA Act regarding the construction over both the holding no 21/9 and 20/1 Goswami Bagan Lane.
  - v) Directing the Respondent to cancel the already sold out constructed areas of both the holdings.

After hearing, the Authority is of the opinion that the matter related to change of nature and character of the land, amalgamation of two or more plot of lands, alleged sanction of the building plan by the Municipality and alleged unauthorized construction on a plot of land does not fall under the purview of the Authority for adjudication.

Hence, the instant complaint petition is hereby dismissed on the ground of non-jurisdiction of the Authority.

Regarding compliance of RERA registration under section 3 of the Real Estate (Regulation and Development) Act, 2016 separate proceedings will be taken up by the Authority.

Let copy of this order be served to both the parties immediately.

  
(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority