

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

Complaint No. WBRERA/COM000698-CP

Sayan Lahiri..... Complainant.

Vs.

Ashiana Construction. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 02.07.2025	The Complainant, Sayan Lahiri appeared online by filing hazira which should be kept in record. The Respondent, Ashiana Construction is represented by the Learned Advocate, Sanjay Bhattacharya who appeared online by filing hazira which should be kept in record. Let the track record of due service of hearing notice of the Respondent be taken on record. The Complainant has submitted an Affidavit on Form 'N' as per the last Order No. 2 dated 08.05.2025 which has been received by this Authority on 17.06.2025. The same should be placed before the Adjudicating Officer for further course of action. Let the said Notarized Affidavit of the Complainant be taken on record. The Respondent has submitted a Notarized Written Response dated 13.03.2025, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 28.01.2025 which has been received by this Authority on 25.03.2025. The Respondent has submitted Reply-cum-Affidavit with regard to Show Cause dated 12th June, 2025 vide Order No. 2 dated 08.06.2025. Which has been received by this Office on 20.06.2025. Let the said Notarized Affidavit of the Respondent be taken on record. The Complainant during the hearing submitted that he has nothing to include other than what he has submitted before the Authority in the earlier occasions through his Affidavit which were also served to the Respondent also as per direction and accordingly he has submitted Affidavit of Service before this Authority dated 10.06.2025.	

The Respondent's Advocate mentioned about the reliefs sought for by the Complainant as payment of delayed possession of the flat, financial harassment, plane fare incurred by the Complainant, rent for flat etc. for the delayed possession of the flat, about the possession of the flats was delivered with some defect. He raised the question of maintainability of the same demands raised by the Complainant.

Whether the Complainant is entitled to have payment for delay possession or not and rectification of the defects and to have all the amenities as assured to be given to the Complainant by the Respondent at the time of Agreement for Sale.

The Respondent should ensure fulfilling the commitment made by the Respondent to the Complainant regarding amenities to be provided during the delivery of the flat and as per provision of the RE (R&D) Act, 2016 the Respondent has to rectify the defects of the construction beyond certain period of delivery of possession.

The Respondent has filed some pictures showing the completion of the incomplete work and/or rectification work has been done by the Respondent vide his Affidavit dated 12.06.2025.

After hearing both the Parties, the Authority is pleased to give the following directions:-

- a) The Respondent is hereby directed to submit Supplementary Affidavit to submit further on the matters raised by the Complainant in the hearing proceeding including payment for delayed possession and to ensure whether the amenities as promised and agreed upon by the Respondent to the Complainant while executing the Agreement for Sale within **10 (ten) days** from the date of receipt of the instant order; and also enclose the certified copy of the Registration certificate issued by the erstwhile WBHIRA/WBRERA for this Project.
- b) The Form "N" as filed by the Complainant which will be acted upon as per the provision of the RE (R&D) Act, 2016 and the same be placed before the Adjudicating Officer for further course of action.

Fix next date **3(three) weeks** from this date for hearing and order.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority