

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

Complaint No. WBRERA/COM(PHYSICAL)000074

Bhaskar Bandhopadhyay..... Complainant

Vs

Eden Real Estates Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 05.07.2024	<p>Complainant Mr. Bhaskar Bandhopadhyay (Mob. No. 9830993454 & email Id: bhaskarbandyopadhyay@yahoo.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Mr. Aritro Ray junior to Ms. Sanjukta Ray (Mob. No. 9830248307 & email Id: sanjukray@gmail.com) being the Authorized Representative of the Respondent Company is present in the physical hearing filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>The fact of the case is that the Complainant had purchased a flat at Eden City Maheshtala (Tower-C3, flat 1303) in the year 2012. As per general terms and conditions (para 17) and deed of conveyance (page 5 para 13) the caution money Rs.15000/-was deposited. It says in the general terms and condition (para 17) the amount will be either refunded or adjusted with Pending Common Area Maintenance, after completion of 1 year and formation of Owner's Association (governing Body by members). But even after 12 years neither Owner's Association has been formed nor has the deposited caution money been refunded. Complainant has sent several emails to the Eden Real Estates Pvt. Ltd. regarding this issue, but he has neither received any reply nor any action has been taken from the end of the Respondent.</p> <p>The Complainant prays before the Authority for the relief to get back the deposited amount of Rs.15,000/-or it has to be adjusted with the pending CAM for August'2023 to December, 2023 amounting to Rs.16,607/- (he is willing to pay the balance amount of Rs.1607/-).</p> <p>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:-</p> <p>The Complainant is directed to submit their total submission regarding</p>	

their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested copy of 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 scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.


The Respondent is hereby directed to submit his Written Response or Affidavit-in-Opposition on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of supporting documents, if any, and send the same (in original) to the Authority serving a copy of the same to the Complainant, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

In spite of the above directions, both the parties are directed to take initiative and try for an amicable settlement of the issues between them by mutual discussions and if they arrive at a mutual settlement, they shall submit a **Joint Affidavit**, signed by both, containing the terms and conditions of the mutual settlement, and send the Affidavit (in original) to the Authority before the next date of hearing and in that case there is no need of submitting separate affidavit(s) by Complainant and Respondent, as per the directions given above.

Fix **05.09.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority