

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

Complaint No.WBRERA/COM000904

Debmalya Basu. Complainant

Vs.

Bhutoria Construction Private Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 24.09.2024	Complainant (Mobile – 9230640840 and email – deb.basu89@gmail.com) is present in the physical hearing and signed the Attendance Sheet. Smt. Munmun Kar (Mobile – 9674339333 and email – legal@thegemsgroup.in), being Authorized Representative of the of the Respondent Company is present in the physical hearing on behalf of the Respondent filing Authorization and signed the Attendance Sheet. Heard both the parties in detail. As per the Complainant, he has purchased a flat on 14.12.2018, but till date he has not got the handover of the flat by the Respondent Promoter Company. As per the WBRERA schedule, the flat was supposed to be handed over by 30.09.2022, but almost 2 years expired still he has not got his possession. From January, 2019 he is paying his EMI of the home loan in the cost of not getting his possession. The Complainant prays before the Authority for the relief of immediate possession of the flat alongwith delay interest from the Respondent as per RERA Act and Rules. 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 Complainant is directed to submit his total submission regarding 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 Complainant is directed to send a scan copy of his affidavit alongwith	

annexure also to the email Id of the Authorized Representative of the Respondent, as mentioned above.

The Complainant is further directed to provide in a Tabular Form chronologically all the payments made by him specifying date, amount, money receipt number, if any, and the total amount in the said table in his affidavit.

The Respondent is hereby directed to submit their **Written Response 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 Affidavit (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 at liberty 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.

The Respondent is further directed not to sell / alienate the flat booked by the Complainant to any third party and / or to transfer any right/interest related to the said flat to any third party, till disposal of this matter or until further order, whichever is earlier.

Fix **05.06.2025** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority