

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

Complaint No. WBRERA/COM000981

Ajay Jaiswal And Others Complainant

Vs.

Shiv Mahima Developers Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 30.09.2024	Advocate Subhro Kanti Roy Chowdhury (Mobile – 9831581182 and email – subhro.krc@gmail.com) is present on behalf of the Complainant in the physical hearing today filing vakalatnama and signed the Attendance Sheet. Chartered Accountant Mr. Gopal Krishna Lodha (Mobile – 9903275333 and email- rrlservices2018@gmail.com) is present on behalf of the Respondent in the physical hearing today filing Authorization and signed the Attendance Sheet. Heard both the parties in detail. As per the Complainant the facts of the case is that,- (1) By virtue of an Indenture dated 20/12/2016, the Complainants purchased the residential flat being Flat No. 7A on the Seventh Floor alongwith servant quarter No. 01 on the Seventh Floor measuring an aggregate area of 2051 sq. ft. more or less super built up area together with extended terrace attached with the said residential flat measuring about 93 sq. ft. built up area and 1 medium size motor car on the basement floor and 1 medium sized motor car on the Ground Floor at the project "Elysium" located at Municipal Premises No. 25, Dr. Ambedkar Sarani, Police Station – Topsia, Ward No. 59, Kolkata Municipal Corporation from the Respondents herein and paid an amount of Rs. 89,32,265/- out of the total the consideration amount of Rs. 1,23,33,500/-. (2) As per the terms of the Agreement, the Project was to be completed by September, 2018 including 6 months clause of Force Majeure. (3) But the Respondent failed to complete the Project within the stipulated time period. (4) The complainant has taken a loan of Rs. 72,36,002/- in terms of the Loan Agreement dated 10th March 2017, which is now being repaid by the complainant. (5) Till date the Respondent have neither deliver complainant the said flat	

nor execute the deed of conveyance.

Complainant prays before the Authority for the following reliefs: -

(1) Peaceful and vacant possession of the said flat and execution of deed of conveyance in favour of the Complainant.

(2) Demand an interest on delayed possession of the said flat as per Section 18 of the RERA Act and Rule 17 of the WBRERA Rules.

(3) To restrain the Respondent from transferring and/or alienating and/or encumbering the said flat.

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

Complainants are further directed to send a scan copy of their Affidavit also to the Authorized Representative of the Respondent in his email id, as mentioned above.

The **Respondent** is hereby directed to submit its 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.

Fix **17.06.2025** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority