

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-000070

Sanjay Kumar Kejriwal.....Applicant

Vs.

Fabworth Promoters Private Limited .... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 04.07.2023	<p>Advocate Vijay Nath Jha is present on behalf of the Complainant in the online hearing filing hazira and Vakalatnama through email.</p> <p>Advocate Saunak Sengupta is present on behalf of the Respondent Company in the on line hearing filing hazira and Vakalatnama through email.</p> <p>Complainant submitted notarized affidavit containing his total submission dated 06.06.2023, as per the last order of the Authority dated 27.04.2023, which has been received by the Authority on 07.06.2023.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>The Respondent submitted Affidavit of Competency and Affidavit in support of the petition of the Respondent regarding the point of maintainability of the present Complaint Petition before the WBRERA Authority.</p> <p>Let the said Affidavits and petition of the Respondent be</p>	

taken on record.

Heard both the parties in detail.

The Advocate of the Respondent submitted the points regarding maintainability petition of the Respondent.

Heard both the parties on the ground of maintainability and examined the affidavits and petitions submitted by the Respondent in this regard.

The Authority is of the considered view that as the matter of jurisdiction of the WBRERA Authority in the matter of adjudication of Complaint petitions does not depend on the issuance of Completion Certificate therefore this matter is maintainable in WBRERA. Only in case of Registration of projects, the matter of issuance of Completion Certificate is relevant as per the provision of contained in section 3 of the Real Estate (Regulation & Development) Act, 2016. In case of the adjudication of Complaints, as per the provision contained in section 31 of the said Act, no consideration of issuance of Completion Certificate and/or partial Completion Certificate is necessary and has no relevance at all.

Also, even for the sake of debate, if we consider that the projects for which Completion Certificate has already been issued will not come under the purview of jurisdiction of this Authority then also in the present matter, partial Completion Certificate has been issued and it is not Completion Certificate. Partial Completion Certificate is in no way 'Completion Certificate' as stated and categorically provided in the provision of section 3 of the said Act.

Hence it is hereby,

Ordered,

that this matter is maintainable under WBRERA Authority for adjudication of the present Complaint Petition as per the provision contained in section 31 of the Real Estate (Regulation & Development) Act, 2016 and Rules made thereunder .

Respondent is hereby directed to submit Written Response on Notarized Affidavit to the Affidavit of the Complainant and send the original affidavit to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 days from the date of receipt of this order of the Authority by email.

Respondent is hereby given the last chance to submit Written Response. No more time will be given to him for this purpose.

Respondent is also directed to positively appear on the next date of hearing, failing which, the Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter on the next date of hearing.

Special Law Officer, WBRERA is hereby directed to initiate a proceeding against the Respondent for non-Registration of the project named '**VIVARA**' with the erstwhile WBHIRA or with WBRERA.

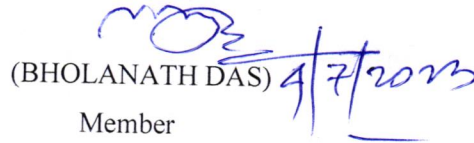
Fix 27.07.2023 for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

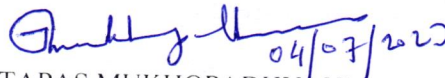
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority