

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

Complaint No.WBRERA/COM(PHYSICAL)000027

Papiya Rakshit..... Complainant

Vs

Bengal Shrachi Housing Development Ltd..... Respondent No.1
Housing Commissioner, West Bengal Housing Board..... Respondent No. 2

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 10.05.2023	<p>Mr. Bikash Rakshit, husband of the Complainant, is present in the online hearing filing hazira and Authorization through email.</p> <p>Shri. Dhruvabrata Basu is present in the online hearing being Authorized Representative of the Respondent Company. He is directed to submit his hazira immediately after today's hearing to the Authority through email.</p> <p>The Complainant submitted a Rejoinder on Notarized Affidavit as per the last order of the Authority dated 10.03.2023, which has been received by the Authority on 28.03.2023.</p> <p>Let the said Rejoinder of the Complainant be taken on record.</p> <p>The Respondent has submitted a prayer by email, for granting of 15 days' time for preparation and filing of a Comprehensive Written Response to the Complaint Petition.</p> <p>Let the email communication of the Respondent praying for time of 15 days' be taken of record.</p> <p>Considered and granted 15 days' time to the Respondent as per his request.</p> <p>Heard both the parties in detail.</p>	

On examination of the papers and documents on record, it transpires to the Authority that it is a Joint Venture Project of the present Respondent and the West Bengal Housing Board. Therefore, views and submissions of the Housing Board is necessary to adjudicate this matter properly.

Henceforth, let the Bengal Shrachi Housing Development Ltd. be made Respondent No. 1 and Housing Commissioner, West Bengal Housing Board be made Respondent No. 2 in this Complaint Petition.

Let a signed copy of the Complaint Petition, copy of Affidavits, Order No. 1, 2 & 3 of this Authority, be sent to the Housing Commissioner, West Bengal Housing Board immediately.

Respondent No. 1 is hereby directed to submit a comprehensive Written Response to the Complaint Petition and the Affidavit of the Complainant, on a Notarized Affidavit annexing therewith notary attested photo copies of supporting documents and send the original affidavit to the Authority serving a copy of the same to the Complainant and to the Housing Commissioner, West Bengal Housing Board, Respondent No. 2 herein, both in hard and soft copies, within 15 days from the date of receipt of this order of the Authority by email.

Respondent No. 1 is further directed to give a date-wise list of events in his Notarized Affidavit and specifically giving answers regarding the followings:-

- a) When they have obtained the land from the Housing Board?
- b) Whether there was litigation in the land at the time of obtaining the same from the Housing Board?
- c) When they got the information that the land is litigated? At the time of obtaining the land or afterwards?
- d) Which actions they have taken to remove the land from litigations;
- e) When was the land made free of litigation?
- f) When did they apply for sanction of building plan?

- g) When did they get the plan sanctioned?
h) What is the date of commencement of the project work?

Also Respondent No. 1 is directed to annex notary attested photo copies of date-wise communications with the Complainant regarding the sale of the subject matter flat.

Complainant is at liberty to file Rejoinder/Reply, if any, on a Notarized Affidavit against the Comprehensive Written Response of the Respondent and send the original Affidavit to the Authority serving a copy of the same to the Respondent and to the Housing Commissioner of the West Bengal Housing Board, Respondent No. 2 herein, both in hard and soft copies, within 15 days from the date of receipt of the Comprehensive Affidavit of the Respondent by email or by post, whichever is earlier.

The Housing Commissioner, West Bengal Housing Board, Respondent No. 2 herein, is hereby asked to send his submission, regarding the Affidavits of the Complainant and Respondent No. 1, on a Notarized Affidavit and send the original Affidavit to this Authority serving a copy of the same to the Complainant and Respondent No. 1, both in hard and soft copies, within 15 days from the date of receipt of the Affidavit of the Respondent No. 1 by email or by post, whichever is earlier.

Fix 21.06.2023 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