

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

Complaint No. WBRERA/COM000312 (Physical)

Shri Bhuddhadeb DasComplainant.

Vs.

Shri Jayanta Bachar and Dolan Bachar. Respondents.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 10.12.2025	<p>The Complainant, Shri Bhuddhadeb Das, represented by his wife, Shyamali Das (Ph. 9748664010 email ID : mukherjeedipakser@gmail.com) along with Sri Dipak Mukherjee who appeared physically at the time of hearing of the instant Complaint. They have filed hazira which shall be kept in record.</p> <p>The Respondents Shri Jayanta Bachar and Dolan Bachar are absent at the time of hearing of the instant Complainant.</p> <p>Heard both the parties in details.</p> <p>Smt. Shyamali Das stated that she is the wife of the Complainant, Shri Shri Bhuddhadeb Das, who is seriously ill and bed ridden so she wants to represent him in the instant matter.</p> <p>She stated that the Complainant is one of the land owners wherein the Respondent has constructed the flats. His husband was allotted a flat measuring 512 Sq. ft flat (super built) at 57, Jaigrir Ghat Road, Khudiram Sarani, Kolkata – 700036. She dated that on 28/3/2018 the Development Agreement was executed between Ms. D Enterprise and with 07 members from the land owners wherein it has been mentioned that the Complainant had been allotted a flat in the 2nd Floor measuring 512 Sq. ft (super built) instead of 550 Sq. ft. specifically agreed without handing over a copy of Registered Partition Deed. The Respondents had allotted different sizes of flats to the other co-sharers of the land. As such the Complainant has been deprived and discriminated as co-sharer. The Respondents informed the Complainant vide their lawyer's letter dated 05/06/2022 and 04/06/2023 that they are ready to pay the amount equivalent to 38 Sq. ft. as per present market rate. Even in the Lawyer's letter it was specifically mentioned that it is their final proposal but now unfortunately, the Respondents are declining to commit their assurance i.e. payment of 38 Sq. Ft. and turned down the Complainant's request.</p> <p>The Complainant prayed for payment of the amount equivalent to 38 Sq.ft. as per present market rate, therefore, compensatory amount may be paid with interest thereof.</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:-

The Complainant is directed to submit his total submission regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition in 'M' Form and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondents, both in hard and soft copies, within **3 (three) weeks** from the date of receipt of this order of the Authority by email.

The Respondents are hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested supporting documents, if any, and further to mention therein if the Project is registered under erstwhile WBHIRA or WBRERA by sending the attested copy of the Registration Certificate and if not registered explaining the reasons why the same has not been done and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **3 (three) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Complainant is also hereby directed to add M/s. D Enterprise as Respondent No. 1 and to authorize his wife, Shyamali Das to represent him in the instant Complaint matter by a Power of Attorney.

The next date of hearing is **8 (eight) weeks** from date.

(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority