

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

Complaint No.WBRERA/COM 001257

Sanjib Singha Complainant

Vs.

Nadia Construction Pvt.Ltd Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
02 30.06.2025	Advocate Swagato Roy (email: aswagato_roy@yahoo.com) is present in the hearing through online mode, on behalf of the Complainant filing hazira and vakalatnama. Respondent is absent in today's hearing, despite due service of hearing notice through email. Heard the Complainant in detail. The Complainant, being the Authorized Signatory of Nadia Social Welfare Association, registered under the Society Registration Act, vide registration no. S/2L/40464, established for the purpose of the welfare and maintenance of basic requirements of the Apartment owners of the Durgapur Residenci (phase-III) has filed this complain for and on behalf of the Residents of the Durgapur Residenci (Phase-III). As per him the agreement for Sale was signed between the allotees of the concerned project, in the year 2009, execution of deed of conveyance between the parties were done in the year 2012-2013, and handing over the possession was started from February,2012. Before taking possession of the individual apartments every buyers had paid their full and final amount of consideration to the Developer including the amount for Construction of Club and Community hall and also charges for water connection. In spite of receiving the entire amount the Developer deliberately failed to complete the construction of the basic requirements needed before taking possession of an apartment. As per condition of the Agreement for Sale, every individual apartment was due to be completed within 18 months from the date of the Agreement for sale and full infrastructural facilities which includes construction of internal connecting load, water connection, club and community hall must be completed within a period of 48 months i.e. by October,2013 but the Developer intentionally	

did not complete the infrastructural works, water connection, root treatments, emergency exit, fire fighting arrangements and club and community hall.

In spite of paying the entire amount to the Developer, the Apartment owners had to arrange additional money for the purpose of completing the unfinished construction works left by the Developers and for that purpose they had to pay an amount of Rs. 3 crores towards the respective vendors, and the developer is fully liable to pay the entire cost of the construction borne by the Apartment owners through the Registered welfare Association. But the Respondent is neither making any communication nor showing any willingness to repay the money additionally borne by the Apartment owners.

The Complainant prays for the following reliefs:-

- A) To initiate proper investigation by passing an order of direction to the appropriate Law Enforcing Authority to call for necessary records and documents from the Respondent, to direct the Respondents to repay the entire cost of construction of unfinished works of the Respondent amounting to approx Rs. 3 crores to the apartment owners.

After hearing the Complainant, 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 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 soft copies, within **21 (twenty-one)** days from the date of receipt of this order of the Authority by email.

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 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 soft copies, within **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **27.11.2025** for further hearing and order.


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority