

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

Complaint No. WBRERA/COM001170

Avinash Khatri Complainant.

Vs.

Soumita Construction Pvt. Ltd..... Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 10.07.2025	Complainant, Avinash Khatri, is physically present in the hearing. He has submitted hazira which should be kept on record. Respondent, Soumita Construction Pvt. Ltd., is represented by the Learned Advocate, Miss Masooma Khan who appeared physically by filing hazira which should be kept in record. The Complainant submitted that they have been assaulted by the Respondent at the time of inspection of the project for submitting the present status then he along with his 71-year old mother was assaulted and forcefully thrown out by the security persons of the Respondent and for the same the Complainant has made a complaint before the Bishnupur Police Station and the copy of the same has been sent to the Authority on 17/06/2025 and also the same has been sent to the Respondent also. The Complainant has also filed a Rejoinder dated 16th June, 2025 and the same has been sent to the Authority and to the Respondent also. The Learned Advocate appearing for the Respondent stated that she was not informed at the time of inspection of the said project and if she was informed then she could join at the time of inspection. She stated that she has filed Written Statement against the Complainant's Affidavit. The Learned Advocate for the Respondent stated that there is a Criminal Cases pending before the Criminal Courts and that should be withdrawn by the Complainant at first. She also stated that out of four flats two flats in question are already completed and the Respondent is ready to deliver the same after withdrawal of pending cases lodged by the Complainant before the Ld. Additional Chief Judicial Magistrate, Alipore being Patuli P.S. Con 27/22 which is still now pending. She also stated that from a single cause of action in one suit another case should not be filed before any other forum for avoiding the split of claims and unnecessary multiplicity of lawsuits. The Complainant stated that he has filed the Criminal Case against the Persons related to the Respondent but not against the Respondent so there is it	

cannot be stated that the Criminal Cases is pending against the Respondent, but against them who have cheated the Complainant.

The Respondent's Advocate stated that she will file Written objection to the Written Rejoinder filed by the Complainant and she will also submit the pictures showing the position of the flats now and she prayed for two weeks time.

The Complainant prayed for refund of money as flats are not yet ready and the Respondent is unable to deliver the Flats in schedule time.

Let the said Notarized Affidavit of the Complainant be taken on record.

The Respondent has submitted his Written Response by a Notarized Affidavit dated 13/05/2025, containing her total submission regarding this Complaint Petition, as per the last order of the Authority dated 28/02/2025, which has been received by this Authority on 13/05/2025 through mail.

After hearing both parties, the Authority is pleased to give the following directions:-

- a) The Complainant is hereby directed to submit Affidavit, if any, within a week's time on receipt of this order regarding the present status of the instant case and the same should be submitted before the Authority as also to the Respondent also; and
- b) The Respondent is given two weeks time for filing Written Objection to the Written Rejoinder filed by the Complainant and with regard to the Affidavit filed by the Complainant along with the pictures of inside and outside of the said flats including the project area and the Development work of the project specifically the present status of the four flats in question confirming the submission of the Ld' Advocate for respondent made today during hearing ; and

Fix after **7 (seven) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority