

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

Complaint No. WBRERA/COM001248

Avenida Association of Apartment Owners..... Complainant.

Vs.

Tata Housing Development Company Limited. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 14.07.2025	The Complainant, Avenida Association of Apartment Owners was physically represented by Sri Arup ratan Maiti and Sri Swarup Mukherjee at the time of hearing of the instant application. They have filed attendance which should be kept in record. The Respondent, Tata Housing Development Company Limited is represented by the Learned Advocate, Shruti Swaika, who appeared physically by filing hazira which should be kept in record. Let the track record of due service of hearing notice of the Respondent be taken on record. The Complainant has submitted a Notarized Affidavit dated 24.04.2025, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 21.04.2025, which has been received by this Authority on 25.04.2025. Let the said Notarized Affidavit of the Complainants be taken on record. The Respondent has submitted Written Response dated 14th July, 2025 with response to the Affidavit filed by the Complainant which has been received by this Authority on 14.7.2025. Let the said Written Response of the Respondent be taken on record. Heard the Complainants in detail. The complainant submitted that the referred amenities listed in the master plan forms part of the common areas and facilities” And the developer has considered the built up flow area of the amenities fine shops in the competition of the required facility area(common area and facilities) for getting approval from the competent authority NKDA. The amenities by area shops being an integral part of the common area and facilities	

deputy establish the undivided interest in the common areas and facilities of each and every apartment owners of AVENIDA As all unit holders have collectively paid for these areas as per their respective agreement for sale deed of conveyance Respondents have advertised to sell the shops which are the part of common property. These 14 shop ,crèche, laundry forming part of the Amenity spine area in AVENIDA is belonging to the flat owners and the respondent developer has no right to sell this shop once again having already executed the Deed of conveyance with the individual home buyers. The complainant further submitted before the Authority of restraining the Respondent not to create 3rd party interest in the subject matter as submitted by the complainant being heard by the Authority.

The respondent have submitted affidavit in opposition upon receipt of the affidavit from the complainant today as informed by the Ld' Advocate for the respondent.

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

The complainant upon receipt of the affidavit in opposition from the respondent are hereby directed to submit supplementary affidavit within a 2(two)weeks time before the Authority and to the respondent both in hard copy and soft copy.

The respondent upon receipt of the supplementary affidavit from the complainant shall submit their counter affidavit within 2(two) weeks time of receipt of the complainant's affidavit before the Authority and to the complainant both in hard and soft copy. The respondent are further directed not to create 3rd party interest upon the property as of the complaint filed by the complainant before the Authority during the course of the hearing or till further orders by the Authority.

Fix after **6 (SIX) weeks** for next hearing and order.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority