

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

Complaint No. WBRERA/COM000294

Rupendra Narayan Ghosh & Pravati Ghosh. Complainants

Vs

Deepraj Construction Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 23.04.2024	<p>Complainant is absent in the physical hearing today despite due service of hearing notice to the Complainant through speed post and also by email.</p> <p>Let the track record of the due service of hearing notice to the Complainant be kept on record.</p> <p>The Complainant Rupendra Narayan Ghosh has sent an email on 22.04.2024 to the Authority and informed that his wife Smt. Pravati Ghosh is seriously ill and she is bed-ridden now. So, in this situation it is not possible for him to attend the hearing on 23.04.2024 and prayed for another hearing date.</p> <p>Let the said email communication of the Complainant be taken on record.</p> <p>Considered and granted the prayer of the Complainant.</p> <p>Mr. Madhab Chandra Paul, Director of the Respondent Company (Mob. No. 9748746391 & email Id: dpclkol@yahoo.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Heard the Respondent in detail.</p> <p>As per the Complaint Petition, the Complainants booked a flat in the year 2019, bearing no. 203 in the project named 'Deepraj Apartment' of the Respondent Company after taking over possession of the flat in the year 2022, the flowing discrepancies were detected. The Complainants called the promoter Shri. Madhab Ch. Paul and shown everything. He has agreed and promised that the necessary work should be done but no action has been taken by him till date. Following are the faults detected by the Complainant:-</p>	

1. Tiles of bathroom placed are fully damaged. The Respondent promised to replace the tiles.
2. They have several times told promoter and his assistant Shri. Manik Saha to set up the windows properly as per their choice but they did not.
3. Tiles of living, drawing and bedrooms area are of very poor quality and not properly fixed up and set up.
4. Wooden quality of all doors and door-frames are not up to the mark.
5. They have handed over one Bearer Cheque No. 000023 dated 23.02.2022 on Bandhan Bank for Rs. 3(three) lakhs to Shri. Madhab Ch. Paul from a/c of one of the Complainant Smt. Pravati Ghosh. It is seen from Bank Statement that the said amount has been drawn by Sirajul Laskar, after full and final payment with a notion that the last cheque given to the Respondent, bearing no. 000024 dated 12.08.2021 on Badhan Bank of Rs.5,24,000/-from the A/c of one of the Complainant Shri. Rupendra Naraya Ghosh was not encashed by the Respondent. But on the next day the Complainants discovered from the Bank Statement that already the said cheque of Rs.5,24,000/-has been encashed by Respondent. The cheque of Rs.3,00,000/-which was issued on 23.02.2022 was encashed by the Respondent by inserting the name of Sirajul Laskar and thus cheated their hard earned money of Rs.3,00,000/-.

The Complainant prays before the Authority for the following relief(s):-

1. Tiles of bathroom placed are fully damaged and required to be replaced by the Promoter.
2. They have several times told promoter to set up the windows proper as per their choice which is require to be done.
3. Tiles of living, drawing and bedrooms area are of very poor quality and required to be properly fix up.
4. They have handed over one Bearer cheque No. 000023 dt. 23.02.2022 by Bandhan Bank for Rs.3,00,000/-to Shri. Madhab Chandra Paul from account of Smt. Pravati Ghosh. The amount drawn by Sirajul Laskar as per Bank Statement after full and final settlement. The above mentioned amount may be refunded with interest.

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 Complainants are directed to submit their 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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

The Respondent is 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 send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **15.07.2024** for further hearing and order. On the next date the hearing shall be done physically in the office of WBRERA.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority