

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

Complaint No.WBRERA/COM000929

Dhiraj Mandal..... Complainant

Vs

Shiv Niketan Private Limited Respondent No. 1.

Bhutoria Construction Private Limited..... Respondent No.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 07.08.2024	<p>Complainant Mr. Dhiraj Mandal (Mob. No. 9830130105 & email Id: dhiraj.rupa74@gmail.com) alongwith his Advocate Mr. Shyama Prasad Purkait (Mob. No. 9433829962) are present in the physical hearing filing Vakalatnama and signed the Attendance Sheet.</p> <p>Advocate Mr. Arcoh Chatterjee (Mob. No. 8420378365 & email Id: arcoh.adv@gmail.com) is present in the physical hearing on behalf of the Respondents filing Vakalatnama and signed the Attendance Sheet.</p> <p>Mr. Kaushal Kumar Jha (Mob. No. 7439830227), being Authorized Representative of the Respondent no.2 is also present and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complaint petition, the Complainant has booked on 04.12.2024 a Unit bearing No. 2A of Ruby Tower in 'Gems City' project of the Respondent no.1 Shiv Niketan Private Limited, situated at Rasapunja, Bakrahat Road, Kolkata – 700 104. The registered office of Respondent no.1 is situated at Bakrahat Road, Thakurpukur, P.O. Rasapunja, P.S. Bishnupur, Kolakata – 700 104. Five and half years (66 months) have been elapsed but till date the possession of the flat booked by him has not been handed over by the Respondent no.1. The schedule date of delivery of possession has been already expired.</p> <p>The Complainant prays before the Authority for the relief of keeping the valuable eye of this Authority on the subject matter project and take appropriate steps for handing over of the unit RT2A in Gems City at the earliest to the Complainant.</p> <p>Complainant stated at the time of hearing that he could not enter the name of Shiv Niketan Private Limited as a Respondent at the time of filing</p>	

online Complaint. He stated that Shiv Niketan Private Limited is the Developer of the Project named '**Gems City**' and **Bhutoria Construction Private Limited** is the Landowner of the said project as per his information and he prayed before the Authority for inclusion of the name of Shiv Niketan Private Limited as one of the Respondent.

Considered and granted the prayer of the Complainant.

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:-

Let the name of **Shiv Niketan Pvt. Ltd.**, be included as **Respondent No. 1** in this matter as it is the Developer Company in this matter and therefore a necessary party for adjudication of this case and **Bhutoria Construction Private Limited** shall be referred as **Respondent No. 2**.

The **Complainant** is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested copy of 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 scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

The Complainant shall submit in a Tabular Form all the payments made by him chronologically specifying the date, amount and the money receipt number, if any, and the total amount paid by him till date in his Affidavit.

The Complainant is further directed to send a scan copy of his Affidavit alongwith all annexures to the email Id of the Advocate of the Respondent, as mentioned above.

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 copy of 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 scan 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.

The **Respondent** is further directed to submit the Written Response on Notarized Affidavit within the stipulated timeline, as directed above, failing which, no more chance or time shall be given to the Respondent for submission of Written Response, for the ends of speedy disposal of justice as per section 29(4) of the RERA Act.

In spite of the above directions, both the parties are at liberty to take initiative and try for an amicable settlement of the issues between them by mutual discussions and if they arrive at a mutual settlement, they shall submit a **Joint Notarized Affidavit**, signed by both, containing the terms and conditions of the mutual settlement, and send the Affidavit (in original) to the

Authority before the next date of hearing and in that case there is no need of submitting separate affidavit(s) by Complainant and Respondent, as per the directions given above.

The Respondent is further directed that no transfer / alienation shall be done regarding the right and interest of the subject matter flat until further order or till disposal of this case, whichever is earlier.

Fix **05.12.2024** for further physical hearing and order.

Sd/-
(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-
(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy

slc

07, 08, 2024

Special Law Officer
West Bengal Real Estate Regulatory Authority