

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

Complaint No. WBRERA/COM001289

Rajat Kumar Prajapati..... Complainant

Vs.

Bhutoria Construction Private Limited. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 14.08.2025	The Complainants, Rajat Kumar Prajapati, appeared online at the time of hearing of the instant Complaint. He has submitted hazira online which shall be kept in record. The Respondent Bhutoria Construction Private Limited represented by the Learned Advocate, Archo Chatterjee appeared physically at the time of hearing of the instant Complaint. He has filed hazira which should be kept in record. The Complainants have submitted a Notarized Affidavit dated 17.06.2025, containing total submission regarding this Complaint Petition, as per the last order of the Authority dated 11.06.2025, which has been received by this Authority on 19.06.2025. Let the said Notarized Affidavit of the Complainants be taken on record. The Respondent has also filed Written Response dated 25th June, 2025 which has been received by this Office on 25.06.2025. Let the said Written Response of the Respondent be taken on record. The Complainant pointed out the problem of separate electric meter in his own name as he has been paying excessive payment for electric connection through sub-meter. The Complainant also stated that the construction of the buildings of the said project, i.e. the 10th Floor of both the towers 1 & 2 of Zircon Cluster has not been completed as yet. The complainant also stated that the Club house has not completed. He also stated that there has been a delay of handing over the possession of the flat so he claimed for compensation for delayed delivery. The complainant also mentioned about the formation of Association of the Flat owners which has yet to be formed. In response to the point of Electric Connection the Learned Advocate for the Respondent stated that the Respondent has contacted with the WBSEDCL and they have allotted a piece of land for Sub-Station and the Flat owners have been requested to contact with the WBSEDCL for supplying the separate meter.	

Regarding the Club House the Learned Advocate stated that 99% of the work has been made but the Club House is being made by Tirupati Limited and the same will be completed within one year and the Complainant along with other residents of the project was requested to contact with them. Regarding the non-completion of the project the Learned Advocate stated that the extended plan has been sanctioned later from the concerned Authority but he also stated that the project is not registered under WBRERA so the same has not been placed before this Authority. About the delay in delivery of possession the Learned Advocate stated that as per Clause 7.1 of the Agreement for Sale where the Force Majeure Clause has been mentioned and the question of compensation for delay delivery does not arise at all. Regarding the point of formation and registration of Flat Owners' Association the Learned Advocate stated that due to the negligence of the Flat Owners, the same has not been done as it needs to be present before the Housing Board for formation of the Association but the Flat Owners could be able to be present before the concerned authority and the Respondent has nothing to do in this regard.

The Agreement for Sale was executed on 13.03.2019 and the possession was given in September, 2024 then the Registered Deed of Conveyance was made on 29.10.2024. In the Agreement for Sale it was stated that the possession of the said flat will be given on or before 31.12.2021 with all amenities and facilities. The Learned Advocate for the Respondent stated that there is practically no delay has been made but due to Covid the extension of the period has been done by the plan sanctioning authority as also by the erstwhile HIRA as the said project was then registered under HIRA but after that the project was completed and CC has been given by the concerned Authority and some of the Flat owners have mutated their names before the concerned Authority and paying taxes. So the question of delay in delivery of possession does not arise at all. But the Learned Advocate agreed that later the project was not registered under WBRERA as the project was completed in that time.

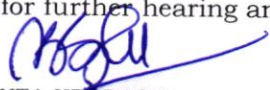
The Learned Advocate has not submitted some supporting documents regarding Club House, Electric Supply, Formation of Association etc. which was to be submitted before the Authority and the Learned Advocate prayed for submitting Written Rejoinder by annexing the supporting documents as desired by the Authority.

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

- a) The Complainant is directed to file Supplementary Affidavit upon receiving the Respondent's Affidavit, if any, within **2 (two) weeks** time from date of receipt of this instant Order; and
- b) The Respondent is given **2 (two) weeks** time for filing Written Rejoinder with regard to the Affidavit filed by the Complainant, if any; and

c) Both the parties are also directed to submit Affidavit of Service at the time of next hearing

Fix after **8 (eight) weeks** for further hearing and order.


(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority