

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

Complaint No. WBRERA/COM00796

Durga Sankar Chakrabarti. .... Complainant

Vs.

Shri Sukhendu Maitra. .... Respondent.

| Sl. Number and date of order | Order and signature of Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Note of action taken on order |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 03<br>08.07.2025             | <p>The Complainant, Durga Sankar Chakraborty is present online in the instant hearing today. He has submitted hazira, and attendance which should be kept in record.</p> <p>The Respondent, Shri Sukhendu Maitra is represented by its Learned Advocate, Debasmita Mitra, Tanu Ghosal and Sristhi Bhuiya appeared physically at the time of hearing of the instant Complaint. They have filed Hazira which should be kept in record.</p> <p>The Learned Advocate for the Respondent submitted that in the instant Complaint Mr. Pradip Dutta who has been a confirming party in the Sale Agreement dated 16.06.2018 and also in the Sale Deed dated 30<sup>th</sup> April, 2019 be included as complainant 2 since the payment of the consideration purportedly made to said Pradip Dutta and his presence in the instant hearing is crucial for proper adjudication of this case. Further, the Learned Advocate submitted that the Complainant has failed and neglected to serve the copy of the Municipal Tax Receipts upon the Respondent. The Learned Advocate for the Respondent also submitted that the Complainant should present before this Authority the Payment Receipts or Transaction details pertaining to payments of consideration to the respondent developer before this Authority and serve the same upon the Respondent in compliance of Section 19(6) of the Act.</p> <p>The Complainant submitted that as per the said Agreement for Sale executed by and between the parties dated 16.06.2018 for purchasing of a Southern side Flat, Super Built up area of 1336 Sq. Ft. on 1<sup>st</sup> Floor and an earmarked covered car parking space of 125 Sq. Ft. on the Ground Floor of the said building to be constructed as per building permit No. 2015120009 dated 07.04.2015 with specified amenities in the Flat and common facilities in the Building. As per the Sale Agreement, the delivery of the vacant possession of the Flat and one earmarked covered car parking space complete with in all respect, with a copy of building Completion Certificate issued by the Kolkata Municipal Corporation were to be given by the Developer to the Complainant within four months i.e., on 15.10.2018 and in case of delay in handing over the possession the Developer will compensate the delay with payment of interest. The Complainant further submitted that the Sale Deed was registered on 6<sup>th</sup> May,</p> |                               |

2019 for the Flat referring to the Building Permit No. as mentioned above but the possession letter and copy of Building Completion Certificate were not given at the time of Registration of Sale Deed. Further the Respondent has constructed one additional floor beyond the Sanctioned Plan without permission of the Kolkata Municipal Corporation. The Complainant also mentioned that the Respondent could not provide any document in support of registration of the Project under erstwhile WBHIRA or WBRERA.

The Respondent has not replied to the direction issued upon him vide Order No. 2 dated 21.5.2025 neither has responded to the show cause served upon him by this Authority.

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

- a) The Complainant is hereby directed to file Rejoinder Affidavit to make his submission with all supporting documents self-attested or notary attested before this Authority and the same should be sent to the Respondent within **2 (two) weeks** from receipt of this order both in hard and soft copy; and
- b) The Respondent is hereby directed by giving an opportunity to make his submission whether the project has been constructed in abidance with the erstwhile WBHIRA or RE(R&D) Act, 2016, if so, to enclose a copy of the Registration Certificate issued by the erstwhile WBHIRA/WBRERA and also the copy of the O.C./C.C. of the instant project issued by the Kolkata Municipal Corporation by an Affidavit with all supporting documents self-attested or notary attested before this Authority serving copies to the complainant within **2 (two) weeks** from receipt of this order both in hard and soft copy.

Fix after **12 (twelve) weeks** from this date for further hearing and order.

(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority