

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

Complaint No. WBRERA/COM 001324

Swapan Kumar Bidyananda Complainant

Vs

Sri Shyam Agarwal Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 18.08.2025	Complainant is present in today's hearing through online mode. Respondent is absent in the hearing, without any prior intimation, despite due service of the hearing notice through email. Heard the Complainant in detail. As per the Complainant, he purchased a flat on 11.10.2018 on the building complex named as "Bagraj Silver Oaks" of the Respondent Company. The complainant made full payment for the flat but the Respondent did not handover the possession since some internal works were pending and the Respondent has promised to get it done before the Complainant leaves for USA for marriage of his daughter February, 2019. But despite repeated reminders and requests the Respondent could not complete the job, not could handover the possession of the flat before the Complainant left for USA. Due to prolonged illness under infection of COVID-19. The Complainant has to temporarily settle down in Pune for treatment in AFMC, Pune. The Complainant reached Shiliguri on 11th May, 2023 and requested the Respondent Company to issue NOC to connect electricity line to his flat and also to complete the pending jobs of his flat and handing over the possession but the Respondent demanded maintenance charges with effect from date of registration of Sale Deed i.e. 11.10.2018. Since the Complainant declined to pay the maintaince charges claimed, the Respondent had not provided him the NOC and transferred his empty flat to Silver Oak Welfare Society without his consent and knowledge and without giving him the possession of his flat. The Silver Oak Welfare Society without verifying facts from the owner demanded maintenance charges from the Complainant though the builder is responsible for the same till he hands over the possession of the flat to the home buyer. The Complainant occupied his flat on 10.02.2025 after competing the leftover pending jobs and installation of electric meter under own arrangements and the flat was rented out to a tenant. But the said welfare society was not providing services to the tenant like garbage picking, standby power supply etc.	

instead of the tenant paying maintenance charges for the duration of his stay.

The Complainant prays for relief of issuance of possession certificate as on 10.02.2025, condoning the levying of maintenance charges by "Begraj Silver Oaks Society" and "Silver Oak Welfare Society" on vacant flat without handing over the possession of the same and also to maintain peace and tranquility including restoring the services which are withdrawn for the tenant.

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 Complainant is directed to submit his 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 **3 (three)** weeks from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit their 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 **3 (three)** weeks from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

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



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority