

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

Complaint No. WBRERA/COM000500

Arjyak Chatterjee and Susama Chatterjee..... Complainants

Vs

Lifemake Construction Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 26.12.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocates Mr. Aritra Basu (email Id: aritra.basu2021@gmail.com) and Mr. Abhijit Sarkar (Mobile No. 9830413878 & email Id: abhi@abhijitsarkaradv.co.in) are present in the online hearing on behalf of the Respondent filing hazira and they are requested to submit their vakalatnama before the next date of hearing through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainants, they have the following allegations against the Respondent-Promoter regarding the project named 'Amaya Residences' :-</p> <ol style="list-style-type: none">1. The project is still not yet completed as the date crossed as per RERA which is 30.03.2022.2. Many amenities are still not in place as stated in the property deeds. Even many amenities as stated, the work for the same has not started yet.3. Delayed power supply and high level fluctuations has caused failure and continuous repair of many high value consumer equipments and also costly home internal led lights till the permanent WBSEDCL supply and transformers installed on July 2023.4. Extra monetary loss as the amenities cannot be enjoyed.5. Poor quality of water with TDS more than 1000 ppm and obnoxious smell is still in use, which is causing serious health hazard, instead of having a water treatment plant which doesn't work as prescribed.6. High charges for electricity were taken, till the permanent meter by WBSEDCL was installed @Rs.8/-unit plus GST.7. Monthly Maintenance charges per flat is taken along with GST.8. Mutation tax was delayed for which interest was charged by the Rajpur Sonarpur Municipality and no answer was given for the loss of the money of the Complainants.9. Standby generator room not present or not properly sheltered.10. No free spaces for activities, percentage of open area as stated in	

- documents is almost negligible. Most of them covered by open parking.
11. Permanent transformers installed recently by WBSEDCL are not sheltered.
 12. Fire Detection System is still not active and switched off instead. More than 150 families residing which is great danger to their life.
 13. STP still not active.
 14. GST filed by the company against all the payments done by Complainants is not clarified with proof.
 15. Proof of AMC for the important Electromechanical System and plants is not clarified.
 16. Proper maintenance of the environment not done.
 17. NOC and certificates of the different government authorities is hoped to be missing as it has not been clarified with proof.
 18. NOC from the WB Pollution Board is also not clarified.

In this Complaint Petition, the Complainants pray before the Authority for the following reliefs:-

1. Demand for a monetary compensation from the date 30.03.2023 @20% of the property value/per property as on date.
2. Demand for refund and monetary compensation of the extra charges, advance payment and GST taken in the name of electricity, maintenance, transformer, generator and mutation.
3. Needed all the amenities to be set up and finished as soon as possible as stated.
4. Need a better living condition with proper water quality and clean environment.
5. Need that all the AMC and NOC of all the equipments and statutory bodies respectively to be renewed for a period of 5 yrs from the date of physical completion of the project.
6. All defect liabilities to be covered by the developers to start from the date of physical completion of the full project till the next 5 yrs.

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 Mrs. **Susama Chatterjee** be included as Joint Complainant in the present matter because she is the Joint Allottee alongwith Mr. Arjyak Chatterjee in the present matter and henceforth in all the records of this matter her name shall be included as a Joint Complainant.


The Complainant is directed to submit his total submission regarding his 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 **21 (twenty-one)** days from the date of receipt of this order through email.

The Complainant is further directed to send a scan copy of the Affidavit with annexure to the Advocates of the Respondent in their above respective email Id's.

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 **21 (twenty-one)** 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 mention in their Affidavit the actual date of completion of the project, whether they have received the C.C?. If yes, then copy of the C.C should be attached with the Affidavit. The date of receiving the C.C should be mentioned in the Affidavit.

Fix **28.02.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority