

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

Complaint No. WBRERA/COM000462

Omprakash Bajoria Secretary of Fort Oasis Apartment Owners Association.....  
Complainant

Vs.

M/s. Fort Builders..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 29.11.2023	<p>Advocate Nafisa Yasmin (Mob. No. 9038858046 &amp; mail Id - nafisaroma3110@gmail.com) is present in the physical hearing on behalf of the Complainant filing vakalatnama and signed the Attendance Sheet.</p> <p>Chartered Accountant Shri Gopal Krishna Lodha being Authorized Representative of the Respondent is present in the physical hearing filing hazira &amp; authorization and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, prior to commencement of Construction of the "Verde" Project with effect from 16th June 2014, it was affirmed by the Respondent Authorities that the hatched portion, which is a Basti area, will be demolished and on such declaration a high F.A.R. (floor area ratio) was obtained by the respondent, stating that the said hatched area is vacant land. Till date the Basti is in existence and the respondent authorities are on the verge of completing the Verde project. Thereby it is crystal clear that gross misrepresentation has been committed willfully by the respondent authorities.</p> <p>RERA registration of the said project has expired, therefore being an unregistered project, the respondents cannot take any advantage of RERA rules. Therefore, unless and until the respondent renews their registration, they shall not be entitled to any benefit under RERA. Also, renewal of registration should be withheld until the matter gets adjudicated.</p> <p>The Complainant prays for the relief of demolition of all constructions that</p>	

has been built by the Respondent through willful misrepresentation.

After hearing both the parties, the Authority is of the considered opinion that the present Complainant named Omprakash Bajoria, Secretary of 'Fort Oasis Apartment Owners Association' does not have the locus standi to file the Complaint as he is the Secretary of the 'Fort Oasis Apartment Owners Association', which is a adjacent project of the project named "Verde". He is not an allottee of the Verde project and he is in no way connected to it. Therefore as per section 31 of Real Estate (Regulation and Development) Act, 2016, he is not an "**aggrieved person**" and he cannot file a Complaint against the Promoter of the adjacent project named '**Verde**'.

Hence, the present Complaint Petition is hereby **rejected** on the ground that the Complainant does not has the locus standi (the right to bring a legal action to a Court of law / Authority) to file the said Complaint.

Let copy of this order be sent to the both parties by speed post and also by email immediately.



(SANDIPAN MUKHERJEE)  
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHAY)  
Member

West Bengal Real Estate Regulatory Authority