

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

Complaint No.WBRERA/COM000226

SK Mahasin AliComplainant

Vs

KGN Construction.....Respondent no.1

Mizanoor Rahaman Respondent no.2

Md. Aminuddin Respondent no.3

Dharmendra Kumar Jain..... Respondent no.4

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 ----- 12.02.2024	<p>Complainant (Mob. No. 9804199976, email Id:- bapi_ali@yahoo.com) is present in the physical hearing and signed the attendance sheet.</p> <p>Advocate Partha Chakraborty (Mob. No. 9231626688 & 9231675807 & email Id:-parthachakrabortyadv@gmail.com & mouborty@yahoo.com) is present in the physical hearing on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, Registration of the flat booked by him in the project named 'Imperial Park' is pending from the end of Respondent-Promoter and "covered parking" as mentioned in the Agreement For Sale, has now been denied by the Respondent to provide the same to the Complainant. Complainant is in possession of the flat but parking facility not yet been provided by the Respondent.</p> <p>The Complainant prays before the Authority for necessary direction for Registration of the flat and delivery of possession of a covered parking as mentioned in the Agreement For Sale.</p>	

Respondent submitted a petition dated 12.02.2024, praying for 3 months time from today to handover the possession of a covered car parking space as per Agreement For Sale to the Complainant, serving a copy of the same to the Complainant at the time of hearing.

Let the said petition of the Respondent dated 12.02.2024 be taken on record.

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 **KGN Construction** be included as Respondent no. 1 in the present matter because Mizanoor Rahaman Respondent no.2 Md. Aminuddin Respondent no.3 Dharmendra Kumar Jain..... Respondent no.4 are partners of KGN Construction and the Agreement For Sale was signed between KGN Construction and the Complainant and it is a necessary party in this matter.

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 **15 (fifteen)** days from the date of receipt of this order through email.


The Complainant is also directed to send a copy of the affidavit to the Advocate of the Respondent also in his email ids as mentioned above.

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 **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by

post or by email whichever is earlier.

Inspite of the above directions, it is hereby directed that both the parties are at liberty to try for a mutual settlement by amicable discussion regarding the instant matter and if they arrive at a mutual settlement, in that case they will submit a joint affidavit signed by both of them and send it to the Authority (in original) before the next date of hearing and in that case there is no requirement of sending separate Affidavit.

Fix **19.03.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority