

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

Complaint No. WBRERA/COM000490

Somes Chandra Nandi Complainant

Vs

JJ Construction.....Respondent No.1

Goutam Kumar Barman.....Respondent No.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
02 19.12.2024	Complainant is present in the hearing physically and signed the Attendance Sheet. Respondent is absent despite due service of hearing notice through email. Heard the Complainant in detail. As per the Complainant, he booked a flat in 2008 alongwith a garage in a project of the Respondent. The Complainant paid Rs.50,000/- as advance against the total consideration price of Rs.1,50,000/- for the garage. Though he has received the possession of the flat, the garage was not at all handed over to him. The Complainant also submitted an Affidavit before today's hearing containing some additional Complaint. In his Affidavit for additional Complaint, the Complainant stated that he paid advance of Rs.50,000/- alongwith the other dwellers for construction of the lift. But the Respondent has not constructed the same for which the home buyers including the Complainant had to install the lift at their own expenses. So the Complainant also prayed for refund of the Advance towards the same with interest. The Complainant also Complained at the time of hearing that the area of the flat handed over to him by the Respondent is less than that promised in the Agreement for Sale. The Complainant prays for the following reliefs:- a) Refund of Rs.50,000/- advance money paid towards the cost of the garage and refund of advance amount of Rs.50,000/- made towards the installation of lift, alongwith interest as per provision of the Act. b) Refund of excess amount paid by him for the flat due to shortfall in actual area of the same, alongwith interest as per provision of the Act.	

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:-

Let JJ Construction be included as Respondent no.1 and Sri Goutam Kumar Barman be included as Respondent no.2

The Complainant shall submit a Consolidated Affidavit in support of his original Complaint Petition and the additional Complaint submitted through Affidavit and oral submissions at the time of hearing, 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 Respondents, both in hard and soft copies, within **21 (twenty-one)** days from the date of receipt of this order of the Authority by email.

The Respondents are 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 **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

In this Affidavit the Respondents shall clearly state whether the Completion Certificate for the building and the project has been obtained or not and if yes, they shall submit a copy of Completion Certificate alongwith his Affidavit.

Fix **06.11.2025** for further hearing and order.


(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority