

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

Complaint No. WBRERA/COM000541

Sankar Kumar Sahu. Complainant

Vs

Jipwadip Khan, Secretary, Brook Apartment, Flat Owners' Association..... Respondent

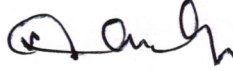
Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 29.04.2024	<p>Complainant (Mob. No. 9079927573 & email Id: sahusankarkol@gmail.com) are present in the physical hearing and signed the attendance sheet.</p> <p>Advocate Surajit Paul (Mob. No. 8240363307 & email Id: advocate.surajitpaul@gmail.com) is present on behalf of the Respondent Jipwadip Khan filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complaint Petition, -</p> <p>The Security Room of the premises was built in a place other than the place in the sanctioned plan. The subject security room was built by the promoter during construction period temporarily and left the place as it was. The said place is being utilized by the association as a caretaker's room with latrine-cum-bathroom. Since the place is just beneath the bedroom of the Complainant, the regular foul smell from the bathroom makes the life of the Complainant miserable. Time and again it was brought to the notice of the Association office bearers but they did not pay any attention on the issue.</p> <p>The Complainant prays before the Authority for the relief of necessary direction to close down the unauthorized construction so that it could not be utilized as a caretaker's room.</p> <p>After hearing both the parties, the Authority is of the considered opinion that it is a dispute between the Complainant-Allottee and the Association of Allottees and it does not come under the purview of the jurisdiction of this Authority. Therefore, this matter cannot be admitted for further hearing and order</p>	

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.

Hence the matter is hereby rejected as it is outside the jurisdiction of this Authority.

With the above directions the matter is hereby disposed of.

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



(SANDIPAN MUKHERJEE)

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