

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

Complaint No. WBRERA/COM000659

Kalyan Kumar Chattopadhyay. ....Complainant.

Vs

M/s. A. S. Enterprises & Others. ....Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 15.01.2026	<p>The Complainant, Kalyan Kumar Chattopadhyay is present physically by filing hazira and his Learned Advocate, Subhro Kanti Roy Chowdhury is present in the hearing today through online mode. He is requested to file hazira physically or online.</p> <p>The Respondent Nos. 4 and 8, represented by the Learned Advocate, Subhankar Sanyal (Mobile No. 7980151379 Email ID: <a href="mailto:advsubhankarsanyal@gmail.com">advsubhankarsanyal@gmail.com</a>) appeared physically by filing hazira and Vakalatnama. The other Respondents were absent in today's hearing.</p> <p>The Complainant submitted a corrected notarized Affidavit in support of his Complaint Petition vide Authority's Order No. 2 dated 07.07.2025 which indicates that there are total nine numbers of Respondents out of which Respondent Nos. 1 and 2 are the Promoters of the project and the Respondent Nos. 3 to 9 are the land owners.</p> <p>Heard both the parties.</p> <p>The Learned Advocate appearing for the Respondent Nos. 4 and 8 stated that many of the Respondents have deceased. In the last hearing the Ld. Authority directed the Respondents to file their written response on notarized affidavit within 15 days after receiving the affidavit of the Complainant. He stated that the complainant has made the allegations by suppressing and concealing material facts with malafide intent and ulterior motive. The Respondent Nos. 3 to 9 entered into a joint venture agreement with the Respondent Nos. 1 and 2 for development over their land and executed a Power of Attorney. They granted exclusive right to the Respondent Nos. 1 and 2, the developers to build, construct and erect a new building after demolishing the existing structure at the said premises No. 11/1A, Raja Dinendra Street, Kolkata, 7009009. After completion of the said building the Developer's allocation will be sold by the Respondent Nos. 1 and 2. The Respondent Nos. 1 and 2 also entered into an Agreement for Sale on 15.03.2013 with the Complainant for selling a flat measuring 850 sq. ft. super built area on the third floor of the proposed building and the Complainant paid an amount of</p>	

Rs.12,60,000/- to the Respondent Nos. 1 and 2. He also mentioned that the copy of the affidavit filed by the Complainant as served upon the Respondent Nos. 4 and 8 are incomplete as there were no annexures attached. No consideration amount has been received by the Respondent Nos. 4 and 8. The Respondent Nos. 3 to 9 being the land owners are no way connected with the present dispute and the Agreements for Sale dated 15.03.2013 are not bound upon the respondent Nos. 3 to 9 and no liability will be attributed to the landowners. However, his clients are considerate for execution of the Deed of Conveyance in favour of the Complainant, if it is legally viable, as the Complainant is a senior citizen.

After hearing both the parties, the Authority is hereby pleased to give the following directions:-

- A. All the Respondents are directed to reply against the Complainant petition through notarized affidavit and send the same to the Authority serving a copy to the Complainant within **2 (two) weeks** from the date of receiving this order of this Authority by e-mail; and
- B. The Complainant is at liberty to give reply to the Re-joinder through notarized Affidavit against the Affidavit filed by the Respondent Nos. 4 and 8 and send the same to the Authority serving a copy to the Complainant within **2 (two) weeks** from the date of receiving the copy of the Affidavit; and
- C. The Complainant is further directed to reply in respect of the Counter-Affidavit of all the Respondents within 15 (fifteen) days from the date of receiving the Affidavit from the Respondents.

Fix **after 6 (six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority