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

Complaint No. WBRERA/COM 001111

Rahul Kajaria Complainant

Vs

Retreat Construction and Housing Private Limited Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 24.04.2026	<p>Advocate Sounak Banerjee along with Mr. Sanjay Kumar Ganeriwala, being the authorized representative of the Complainant is present in the physical hearing by filing authorization and signing the attendance sheet. The Advocate of the Complainant is directed to submit his vakalatnama immediately after today's hearing through email.</p> <p>Mr. Sudipta Kolay, being the Executive Director of the Respondent Company is present in today's hearing on behalf of the Respondent by filing authorization and hazira.</p> <p>Complainant submitted affidavit as per Authority order 23.05.2025, which has been received on 23.06.2025.</p> <p>Respondent did not submit affidavit as per order of the Authority order 23.05.2025. He stated that they have already prepared the affidavit which will be submitted by today afternoon, he prayed for condonation of delay.</p> <p>Heard both the parties in detail.</p> <p>The Complainant again narrated his case stating that he entered into a Memorandum of Understanding with Shri Chandranath Banerjee, the son of deceased Land owner late Shri Sushil Kumar Banerjee in lieu of the land of the deceased land owner on condition that Shri Chandranath Banerjee shall take probate for the land of the deceased land owner and take necessary action for making a Development Agreement with the Complainant. But instead of following the Memorandum of Understanding said Chandranath Banerjee made Joint Venture Agreement with the Respondent. Being dissatisfied the Complainant went before the Court and got injunction order and also being aggrieved with the vacation order of the Sealdah Court moved before the Hon'ble High Court. The main allegation of the Complainant against the Respondent is that Respondent has suppressed this legal pendency while submitting application before the RERA Authority for Registration of their project.</p> <p>The Respondent stated that he being the Developer has not violated any order of the Court as the said suit was filed by the Complainant against Shri</p>	

Chandranath Banerjee, the land owner of the premises no. 179, Park Street, Kolkata-700019 for recovery of a sum of Rs. 15,00,000/- allegedly lent an advance by the Complainant to Shri Chandranath Banerjee in his individual capacity for obtaining grant of probate of the will of his late father and not against the said premises no. 179, Park Street, Kolkata-700019. The Respondent no.1 was not a party to the said proceeding and therefore, the order of status quo passed by the Learned Civil Judge (Senior Division), Sealdah in Title Suit No. 5 of 2023 was not binding upon the Respondent No1, who is a Developer. There was no privity of contract between the Respondent and the Complainant herein.

The Respondent further stated that in any event, if there is any breach or violation of the order, which has subsequently been vacated by the Learned Court, remedy lies before the said Court only by filing an appropriate application under order XXXIX Rule 2(A) of the Court of Civil Procedure, 1908. The Respondent added that the order passed by the Learned Civil Judge (Senior Division), Sealdah in Title Suit No. 5 of 2023 has attained finality in as much as the appeal filed by the Complainant from the said order dated 11.12.2023 rejecting the plaint filed in Title Suit No. 5 of 2023 has been dismissed. The Complainant therefore prays for rejection of the instant complaint petition.

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

- A. The Respondent shall submit through notarized affidavit in response to the allegation of suppression of encumbrance of land in the registration application along with response as made by him on today's hearing against the other complaint and shall also enclose copy of supporting documents and send the same in original to the Authority serving copy to the Complainant within **14(fourteen) days** from the date of receiving this order of the Authority through email.
- B. The Complainant is at liberty to file his reply/rejoinder through notarized affidavit and send the same in original to the Authority serving copy to the Respondent No.1 within **14(fourteen) days** from the date of receiving this order of the Authority through email.

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