

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

Complaint No. WBRERA/COM000213

Rukma Rajamuthaiya..... Complainant

Vs.

Prudent Infrarealty Private Limited Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>21.11.2023</u>	<p>Complainant is present in the online hearing but filing hazira through email.</p> <p>Advocates Mr. Shambu Prasad Choudhary (email Id- advspchoudhary@gmail.com) and Mr. Abhijit Sarkar (Mobile No. 9830413878 & email Id: abhi@abhijitsarkaradv.co.in) are present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, the Respondent has not been ensuring proper upkeep and maintenance of the complex for over the last one year and more, despite regularly collecting the monthly maintenance dues from the majority of the Apartment Owners. The Respondent has not repaired a defunct borewell for the last one year and have intentionally created an artificial crisis in their complex, despite repeated reminders being sent to the Respondent from time to time. The Respondent has not bothered to repair Fire Safety Alarms located in the Children's indoor play area, the GYM and Yoga Room for adults and in the Community Hall which can lead to a major Catastrophe in their complex someday. Several Car Parking spaces have been allotted in front of Firefighting equipment which needs proper investigation and re-allotment as deemed appropriate by the Fire Services Department. The Respondent has not repaired a defunct generator set for backup power, for the last 6 months. A failure of another generator set would lead to a major breakdown of certain critical services in our complex during power cuts, such as operation of Lifts, pumps to supply water from the borewells to their overhead tanks. The Respondent is not facilitating the formation of the Apartment Owners Association by refusing to provide certain key documents required for the process (Documents relating to amalgamation of certain subsequently purchased land areas by them on which car parking spaces have been allotted to several apartment owners, but these land areas do not feature in the sanctioned plans of their complex). The Respondent has Intentionally not appointed a Facility Manager for their Complex for over 4 months to oversee the day to day operations in the complex leading to breakdowns and mismanagement of operations in the Complex. The Respondent</p>	

	<p>is refusing to repair the defects which meet the criteria under sub-section (3) of section 14 of Chapter III of the RERA Act, 2016.</p> <p>The Complainant prays for the following reliefs:-</p> <ol style="list-style-type: none">1. The Respondent should immediately replace the defunct borewell and service the remaining borewells so that there is regular 24 hours water supply as promised in the registered Deed.2.. The Respondent should immediately repair all fire alarms and remove car parking spaces allotted in front of fire fighting equipment.3. The Respondent should be made responsible for the proper upkeep and maintenance of the Complex till the Complex is handed over to the registered Association of Apartment owners.4. The Respondent should facilitate the formation of the Apartment Owners Association by handing over all necessary documents for the purpose. They have to handover the papers/documents relating to amalgamation of the newly acquired land areas with the main premises.5. The Respondent should repair all the constructional and other defects in all Apartments which have not completed since last 5 years since the date of handover of possession as per defects liability clause of RERA Act.6. The Respondent should repair all amenities such as the Borewells, Generators, the Water Treatment Plant, the Sewage Treatment Plant , CCTV Cameras, he provide the promised Intercom facilities.7. Appoint a Facility Manager immediately for overseeing the work at the Complex.8. Collect all pending maintenance due amounts from genuine and willful defaulters.9. The Respondent should not charge arbitrary rates for the usage of electricity sub-meters.10. The Respondent should provide a Doctors Chamber and playing area for adults as promised in the brochures and registered deeds11. The Respondent should pay timely salaries to all facility management staff so that the day to day maintenance work in the complex is not affected.12. The Respondent should remove all car parking spaces which do not feature in the sanctioned plans. <p>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:-</p>	
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Let Mr. **Paramanandam Rajamuthaiya** be included as Joint Complainant in the present matter because he is the Joint Allottee alongwith Mrs. Rukma Rajamuthaiya in the present matter and henceforth in all the records of this matter his name shall be included as a Joint Complainant.

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 today.

The Complainant is further directed to send a scan copy of the Affidavit with annexure to the Advocates of the Respondent in their above respective email Id's.

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.

The Respondent is further directed to mention in their Affidavit the actual date of completion of the said flat and the said project, whether they have received the C.C or not. If yes, then copy of the C.C shall be attached with the Affidavit. The date of receiving the C.C shall be mentioned in the Affidavit.

Fix **02.02.2024** for further hearing and order.



(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