

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

Complaint No. WBRERA/COM 001355

Santasri Basu Complainant

Vs

Himanga Mercantiles Pvt. Ltd Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 11.09.2025	Complainant is present in the hearing through online mode. He is directed to submit his hazira immediately after today's hearing. Respondent is absent in the hearing, without any intimation, despite due service of the hearing notice through email. Heard the Complainant in detail. As per the Complainant, he along with his wife booked a Flat in Block A, Apartment A001, Ground Floor of the "Bhawani Courtyard Project" of the Respondent, entering into an Agreement for Sale on 15.06.2024. The Respondent has constructed a Sewage Water Treatment Plant (SWTP) duct, framing it along the outside of their flat, also including a huge exhaust fan system nearby which was not informed to them this SWPT duct is causing great problems (noise pollution, vibrations of hot air/bad odor etc) making the Flat uninhabitable and aesthetically unpalatable. For this reason the Complainant shall face great hardships to sell the Flat or give it on rent, if they desire so. The Complainant contacted with the Respondent for remedial measures but they informed over mail that this setup cannot be shifted, rather they will put a cover and do some decorations. Such measure is not acceptable to the Complainant as it will not fully suppress the Continuous sound, vibrations, bad odor etc. This setup was never part of the layout plan of Flat A001, and even if they modified the plan, they did not inform the same to the Complainant. The Complainant prays for relief for withdrawal from the project by terminating the Sale Agreement due to this setup of such unhealthy sewage treatment plant near his flat. And they prayed for refund of the entire amount along with interest. Complainant also prayed for an interim order for a Loan moratorium with the HDFC Bank until this issue is resolved. After hearing the Complainant, the Authority is pleased to issue the following directions: - Let the wife of Mr. Santasri Basu be included as a Co-Applicant in this Complaint petition.	

The Complainants are directed to submit their total submission regarding their 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 **7 (seven)** days from the date of receipt of this order of the Authority by email.

The Respondent is 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 **7 (seven)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The admissibility of this matter shall be addressed after receiving Affidavits from both the parties.

Fix **after 4(four) weeks** for further hearing and order.



(JAYANTA KR. BASU)

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