

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

Complaint No. WBRERA/COM000494

Swapan Kumar Maiti..... Complainant

Vs

Pradip Hazra.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 24.01.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing today despite due service of hearing notice through speed post and also by email.</p> <p>Let the tracking status of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, he is a senior citizen person who have purchased a 3BHK flat with two toilets with a super built area of 1056 sq. ft., and a car parking area of 80 sq. ft. at 'Niharika Apartment', project of the Respondent situated at Brajanathchak, Plot No. 105/106, P.O. – Haldia Port, Haldia Municipality, Ward No. 22, East Medinipur, West Bengal, Pin code – 721607 from the Respondent on the Deed of Registration No. 110602203/2021 on 01.03.2021 through ADSR, Sutamata. But the Respondent Company did not handover the Completion Certificate of the Apartment at the time of registration and also till date.</p> <p>The Respondent did not measure the mentioned car parking area on the ground floor in the apartment in front of the Complainant.</p> <p>In this Complaint Petition, the Complainant prays for the following reliefs:-</p>	

1. The Respondent should handover the completion certificate as soon as possible.
2. The Respondent should properly measure the parking space in front of me.

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:-

The Complainant is directed to submit her total submission regarding his Complaint Petition on a Notarized Affidavit, giving therein in a tabular form all the payments made by the Complainant chronologically specifying date and amount of payment, 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 the date of receipt of this order through email.

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.

Respondent is hereby directed to submit the Affidavit as directed above positively within the stipulated time period, failing which, no more time / chance shall be given to the Respondent for filing the Written Response, for the ends of speedy disposal of justice.

If the Respondent remains absent even on the next date of hearing, the Authority shall have no other option but to proceed with ex-parte

hearing and disposal of this matter for the ends of speedy of disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

Fix **22.05.2024** for further hearing and order.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy

Ade

24.01.2024

Special Law Officer

West Bengal Real Estate Regulatory Authority