

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

Complaint No. WBRERA/COM000216

Sekhar Ray..... Complainant

Vs

Eden Real Estates Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 24.01.2024	<p>Advocate Shri Abhik Nandi (Mobile – 9903168024 & email id – adv.abhiknandi@gmail.com) is present in the online hearing on behalf of the Complainant filing hazira through email. He is directed to submit his vakalatnama through email to the Authority immediately after today's hearing..</p> <p>Advocate Smt. Sanjukta Ray (Mob. 9830248307 & email Id- sanjukray@gmail.com) is present in the online hearing on behalf of the Respondent. She is directed to send her hazira and vakalatnama through email to the Authority immediately after today's hearing.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, the fact of this case is as follows:-</p> <ol style="list-style-type: none">Non formation of Resident Owner Association (ROA) promised by the Respondent-Promoter to be formed by 01.05.2014.Unauthorized construction, encroachment and double sale of common area.Land dispute.Bad workmanship in construction of building towers, pipelines, sewerage & drainage system, internal roads etc.Unfulfilled promises.Conflict of Interest (of Maheshtala Municipality)Violation of various provisions of local law, WB Apartment	

Ownership Act, 1972, WB Municipal Rules 2007 etc. as well as many provisions of RERA.

In this Complaint Petition, the Complainant prays for the followings reliefs:-

- a) Return of unauthorized CAM of Rs.70.00 crs. Approx collected + usual interest.
- b) Land dispute Rs.7.67 crs. approx.
- c) Double Sale of Common Area Rs.37.00 crs. Approx + Usual interest.
- d) Double cost of infrastructure realised Rs.6 Crs. Approx + Usual Interest.
- e) Caution Money of Rs.3Crs. approx. + Usual Interest.
- f) Club House + Usage Charges Rs 9Crs + Usual Interest.
- g) Mental Agony and harassment for last 10+ years. Rs.67.33 crs.

Total Compensation claimed of Rs.200Crs + Usual Interest.

The Complainant also want all encroached common area for car shed, F1-F4 towers etc. be made free of encroachments and returned in the original state.

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 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 the date of receipt of this order through email.

Complainant is also directed to state in his Affidavit with reasons

why there is so much delay in filing the Complaint Petition after the date of the cause of action.

The Complainant is further directed to send a scan copy of the Affidavit with annexure to the Advocate of the Respondent in her above mentioned email id.

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.

Fix **17.04.2024** 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

Sd/-

24.01.2024

Special Law Officer

West Bengal Real Estate Regulatory Authority