

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

Complaint No.WBRERA/COM(PHYSICAL)000050

Nirnay Ghosh and Kuheli Das.....Complainants

Vs

M/s. Belmont Devcon Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 ----- 19.01.2024	<p>Complainants alongwith his Advocate Manas Dasgupta is present on behalf the Complainant and signed the Attendance Sheet.</p> <p>Md. Selim being Authorized Representative of the Respondent is present on behalf of the Respondent and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant he has booked a flat bearing number 7D on the 7th floor of Tower II together with one car parking space in the housing project named 'BELANI AYANA' of the Respondent and an Agreement for Sale was executed between the parties on 09.06.2021 and the Agreement is registered with office of ADSR, Barasat. The total price of the flat is Rs.56,86,543/-. The said project is registered with erstwhile WBHIRA vide registration number HIRA/P/NOR/2019/000391 dated 3rd April 2019. The earliest date of completion of the project was 30.06.2022 with a provision for extension of grace period of 6 (six) months ending on 30.12.2022. However the Respondent could not complete the project within the aforesaid dates.</p> <p>In above circumstances the Complainant in this Complaint Petition</p>	

	<p>prays for the following reliefs:-</p> <ol style="list-style-type: none"> a) Directions be issued to the Developer/Respondent to complete the project and to handover the respective flat as per Respondents email dated 20.01.2023; and b) Not to extend the period of registration beyond 31st December, 2023; and c) An order to issue directing the Respondent to pay compensation as per provisions of the RERA Act; and d) Alternatively, refer the matter to Adjudicating Officer under Rule 37 of the RERA Rules, 2021 for interest and compensation; and e) To pass such other further order or orders as deem fit and proper. <p>Advocate of the Complainant at the time of hearing prayed before the Authority for necessary permission to include, the Landowner of the land on which the project has been developed, as one of the Respondent.</p> <p>Authorized Representative of the Respondent prayed for necessary direction so that they can file their Written Response against the Complainant Petition.</p> <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> <p>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</p>	
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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.

Complainant is further directed to submit his contentions regarding his prayer for inclusion of the Landlord of the said project in the present matter as one of the Respondent and the grounds in support of his prayer alongwith judgments and orders, if any, to be annexed with his Affidavit as directed above.

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 further directed to submit a date-wise milestone, in their Affidavit as directed above, by which they will complete the remaining works of the said project.

Fix **15.04.2024** 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

Certified to be true copy

Sd/-
19.01.2024