

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

Complaint No. WBRERA/COM000464

Sibendu Gupta ..... Complainant

Vs

Unimarkmirania Projects LLP.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>31.01.2024</u>	<p>Complainant (Sibendu Gupta) is present in the online hearing filing hazira through email.</p> <p>Let the name of other Complainants namely Shukanta Roy, Sampa Roy and Amaresh Sardar are hereby deleted from this Complaint Petition and they are directed to file Complaint individually because as per section 31 of the Real Estate (Regulation and Development) Act, 2016, a Complaint is to be filed either individually or by any registered association of allottees or any registered voluntary consumer association.</p> <p>Shri Gopal Jhunhunwala (Mob.9836309955, 8335820900 &amp; email Id-gopal@unimarkgroup.com), Senior Manager Legal of the Respondent Company is 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, he has booked a flat bearing no. 8A in tower 1 from the Respondent Promoter in the project 'Lakewood Estate' situated at 266, Garagacha Road, Kolkata- 700094 and presently he is facing the following serious problems:</p> <ol style="list-style-type: none"><li>a) The registration of his flat was done in 2021 November. The Respondent has taken money from him in lieu of mutation, but since two years it is kept pending.</li><li>b) It is clearly mentioned in the registration deed that Lakewood Estate phase 1 can make its own Residents' Association which can combine with phase 2 later. The Respondent has not initiated the process and the Complainant is forced to pay GST which is an unnecessary burden for him.</li><li>c) He has issues with the tiles laying, fittings of poor quality, poor water treatment plant, seepage in various places. The Respondent wants to quit the project without resolving the issues.</li></ol>	

- d) There are serious problems in the said project like major damp in the adjacent walls of the rooms and the bathrooms, but after repeated request for repair also the Respondent is not responding.
- e) He has issues like wall crack, continuous water flowing through commods and flush not working properly, problem with the windows.
- f) The overall Toilet fittings of the flats are of very inferior quality.
- g) The DG is not supporting 3 KVA but the allottees have paid in full for the same.
- h) The external paint of phase 1 has become shabby because of the grouting work done by the Respondent.

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

1. Immediate mutation to be executed by the Respondent in favour of the Complainant.
2. Immediate formation of RWA and handover all the deposit and security money already paid to the Respondent.
3. Poor quality fitting of tiles laying, poor quality fitting in toilet, bathroom, windows, poor water treatment plant to be addressed and rectified immediately.
4. Immediate attention to given by the Respondent toward severe damp problems of walls (both exterior and interior)
5. Immediate restoration of 3KVA DG support to him for which he has already paid.
6. External painting to be done in fresh immediately.
7. Immediate car parking to be allotted properly.

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.

The Complainant is further directed to send a scan copy of the Affidavit with annexure to the Authorized Representative of the Respondent Mr. Jhunhunwala in his 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 **05.04.2024** 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