

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

Complaint No. WBRERA/COM001277

Arati Debnath..... Complainant

Vs.

Siddha Real Estate Development Pvt. Ltd. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 08.09.2025	The Complainants, Arati Debnath along with her Learned Advocate, Rosy Banerjee appeared physically at the time of hearing by filing hazira and the Learned Advocate is requested to file Vakalatnama physically or through e-mail which should be kept in record. The Respondent, Siddha Real Estate Development Pvt. Ltd represented by the Chattered Accountant, Gopal Krishna Lodha who appeared online at the time of hearing of the instant Complaint. He is directed to file hazira and Authorization letter which should be kept in record. The Complainant have submitted a Notarized Affidavit dated 13.06.2025, containing total submission regarding this Complaint Petition, as per the last order of the Authority dated 28.05.2025, which has been received by this Authority on 13.06.2025. Let the said Notarized Affidavit of the Complainants be taken on record. The Respondent has filed the Affidavit-in-Respondent dated 29.07.2025 which has been received by this Authority on 31.07.2025 which should be kept in record. The Complainant stated that the Complainant has booked a flat at the project of the Respondent namely "Siddha Serena Phase-II" and she has paid Rs.23,60,918/- for the said flat. The Agreement for Sale was executed on 29.10.2024 but the same was not registered. The Learned Advocate mentioned that along with the Agreement for Sale the Respondent also pressed to sign several documents including a Power of Attorney, a letter for deferment of the Agreement for Sale's registration, a consent letter allowing the adjacent housing property to use the clubhouse and podium, with a promoter-fixed monthly subscription and a letter falsely stating the Complainant requested a revision to the sanctioned plan and consented to these alterations, despite never having given such consent. The Complainant objected to sign the Power of Attorney while the Respondent urged to execute the Power of Attorney first and then the registration of the flat will be proceed. The Complainant stated that the	

Agreement for Sale is not as per the draft Agreement for Sale as mentioned in the RERA Portal. The Learned Advocate of the Complainant also raised the question regarding "Common Areas" demarcation. She mentioned that as per the Agreement for Sale "Common Areas shall mean collectively the areas, facilities and amenities as specified in Part-I of the Third Schedule hereunder written for the beneficial use and enjoyment of their respective apartment owners and other constructed areas in the Project by the Allottees."

The Respondent's representative stated that the Power of Attorney is required for formation of Flat Owners' Association and to transfer the Common Areas and vacant land to the Association as per the provision of West Bengal Apartment Ownership Act. He also stated that earlier the Respondent's representatives explained all ancillary documents to the Complainant, who raised no objection at the time of executing the Agreement for Sale on 29.10.2024 and the Complainant confirmed her willingness to proceed with registration. Regarding the deviation of the Agreement for Sale from the RERA Website, he mentioned that the Agreement for Sale as mentioned in the Website is only a guideline and a Proforma. He also mentioned Section 17(2) of the RERA Act by stating that *"After obtaining the occupancy certificate and handing over physical possession to the allottees in terms of sub-section(1), it shall be the responsibility of the promoter to hand over the necessary documents and plans, including common areas, to the association of the allottees or to the competent authority, as the case may be as per the local laws"*.

After hearing both parties, the Authority is pleased to give the following directions:-

- a) The Complainant is directed to file Supplementary Affidavit upon receiving the Respondent's Affidavit, if any, within **1(one) week** time; and
- b) The Respondent is given **2 (two) weeks** time for filing Re-joinder, if any, with regard to the Supplementary Affidavit filed by the Complainant.

Fix after **8 (eight) weeks** for further hearing and order.

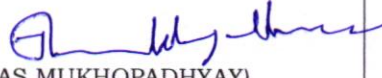

(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority