

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

Complaint No. WBRERA/COM (physical) 000152

Mr. Anand Kumar Giri and Mrs. Shila Giri..... Complainant

Vs

Solar Paints Private Limited Respondent 1

Mr. Nirmal Mukherjee, Director Respondent 2

Space Rice Projects Private Limited..... Respondent 3

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 09.09.2025	Advocate Mr. Sabir Bose and Advocate Mr. Basanta Kumar Sen are present in today's hearing physically on behalf of the Complainant by signing the attendance sheet. Advocate Mr. Soham Sanyal and Advocate Mr. Avijit Kar are present in today's hearing physically on behalf of the Respondent No.1 & 2 by signing the attendance sheet. Advocate Smt. Arpita Dey is present on today's hearing on behalf of the Respondent No.3 through online mode by filing hazira through email. Both Respondent No.1, 2 and 3 have submitted their affidavit in opposition which has been received by this Authority. Heard all the parties in detail. The Respondents raised a point of maintainability of this Complaint petition stating that the instant project was completed before enactment of RERA Act, 2016. Heard and rejected the prayer of the Respondents as the Respondents has failed to execute registered Conveyance Deed in favour of the Allottee along with the undivided proportionate title in the common areas to the Association of the Allottees which is a clear violation of section 17 of RERA Act, 2016. Now, after hearing all the parties and going through the documents the Authority finds that possession was given to the Complainant-Allottees long back after receiving the entire consideration amount of the Flat. In spite of that, Respondents did not execute Deed of Conveyance for the same in favour of the Allottees due to some internal disputes between the land owner and the promoter, which ultimately has been disposed of through arbitration and the sole arbitrator. Whatever it may be, as per provision of section 2(zk) of Real Estate (Regulation and Development) Act, 2016, both the Land owner as well as the	

Developer are defined as promoter and hence, both are liable to follow the provision of the RERA Act. And therefore, all the Respondents are equally liable for execution of Deed of Conveyance in favour of the Registered Apartment Owners Association in respect of the common areas and facilities.

Now, the Authority is hereby pleased to pass the following orders:-

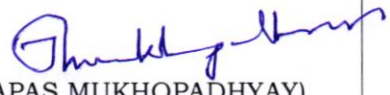
- A. All the Respondents shall positively take necessary actions for execution of Deed of Conveyance in favour of the Complainants within **60(sixty)** days from the date of receiving this order through email.
- B. The Allottee-Flat Owners shall bear the necessary cost for registration charges if not paid earlier to the Respondent, as per prevalent Government Rate.

With this the instant matter is hereby disposed of.

Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority