

West Bengal Real Estate Regulatory Authority
Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park ,Kolkata-700075

e-mail id : rera.wb@gmail.com

Phone : 033-24160606

No : 1139- RERA/2M-08/2023

Date: 11.08.2023

From: Special Law Officer,
West Bengal Real Estate Regulatory Authority

To: Sushil Kumar Sharma,
Sole Proprietor of Maa Batai Construction,
472/2, Sarat Chatterjee Road,
Shibpur, Howrah, Pin - 711103.

Subject: Show-cause Notice

Whereas section 3 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred as the said Act) provides that no promoter shall advertise, market, book, sell or offer for sell or invite person to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the Real Estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act;

And Whereas the West Bengal Real Estate Regulatory Authority has, vide its notification No. 135-RERA/L-01/2023, dated 03.02.2023, made it mandatory for the Promoters/Developers to get their projects, that are ongoing on the date of commencement of WBRERA website, i.e, 31.01.2023, registered on or before 30.04.2023.

And Whereas section 59 (1) of the said Act provides that,- if any promoter contravenes the provision of section 3, he shall be liable to a penalty which may extent up to 10%, of the estimated cost of the Real Estate Project as determined by the Authority;

And Whereas section 59 (2) of the said Act provides that,- if any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provision of section 3, he shall be punishable with imprisonment for a term which may extend up to 3 years or with fine which may extend up to a further 10%, of the estimated cost of the Real Estate Project, or with both;

At the time of hearing of the Complaint case bearing No. WBRERA/COM000040, it has come to the knowledge of this Authority that final Completion Certificate has not yet been obtained in the project named '**Maa Batai Apartment**' situated at Mouza-Jorehat, under Police Station – Sankrail, District – Howrah, within the limit of Jorehat Gram Panchayat, therefore Registration under WBRERA Authority is mandatory for the said Project as per section 3 of the said Act read with Notification No. 135-RERA/L-01/2023, dated 03.02.2023 of this Authority. The promoter of this project also marketed and sold the flats of this project to the allottees without taking prior registration. The said project is not registered under WBRERA Authority or under the erstwhile WBHIRA Authority till date and application for registration was not submitted within 30.04.2023 before this Authority. Therefore it transpires to the Authority that the said promoter have violated the provisions of section 3 of the said Act.

As such, Maa Batai Construction, is hereby directed to Show-cause in writing why action should not be taken against them as per law for the above mentioned violation of section 3 of the said Act and penalty should not be imposed upon them as per Section 59 of the said Act. The reply of this Show-cause notice shall be sent to the office of this Authority within a period of **10 (Ten)** days from the date of issuance of this Show-cause notice, failing which, appropriate penal action shall be taken against the said promoter company.

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Special Law Officer
West Bengal Real Estate Regulatory Authority