

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

Complaint No.WBRERA/COM001248

Avenida Association of Apartment Owners.Complainant.

Vs

Tata Housing Development Company Limited.Respondents.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
04 <hr/> 16.01.2026	<p>The Complainant, Avenida Association of Apartment Owners was physically represented by Sri Arup Ratan Maiti and Swarup Mukherjee, the Learned Advocates, Lokenath Chatterjee and Shahmeraz Alam at the time of hearing of the instant application. They have filed attendance which should be kept in record.</p> <p>Respondent, Tata Housing Development Company Limited is represented by the Learned Advocates, Sarvopiya Mukherjee and Shruti Swaika, who appeared physically at the time of hearing. They have filed attendance which should be kept in record.</p> <p>The Respondents has filed Counter Affidavit in respect of the Supplementary Affidavit filed by the Complainant as per Order No. 3 dated 04/11/2025.</p> <p>The Learned Advocate for Respondent mentioned para (g) of the Form 'M' as " <i>It may also be noted that the approved drawing clearly bears calculation showing the Amenity spine area of 1077.56 sq. meter (considering of 14 convenience outlets + laundry and Creche) as a part of the common facility area based on which F.A.R. (floor area ration) has been approved by RERA Authorities. We are reproducing the relevant portion from the drawing hereunder Accordingly this Amenity spine area is already a part of the "common Area" has already been sold as the common undivided area to the Owners of the Apartments.</i>"</p> <p>The Learned Advocate for the Respondent mentioned Section 14 of the Real Estate (Regulation and Development) Act, 2016 and mentioned that "(1) <i>The proposed project shall be developed and completed by the promoter in accordance with the sanction plans, layout plans and specifications as approved by the competent authorities. (2) Notwithstanding anything contained in any law, contract or agreement after sanctioned plans, layout plans and specifications and the nature of fixture, fittings, amenities and common areas, of the apartment, plot or building, as the case may be, as approved by the competent authority, are disclosed or furnished to the person who agrees to take one or more of the said apartment, plot or building, as the case may be,</i>"</p>	

In this regard he mentioned the local Authority meaning the Competent Authority and/or plan Sanctioning Authority, i.e. N.K.D.A. for Development purpose. Under Section 36(k) Sub-Section 2(p) the Development Authority may by regulation of annual valuation of land and common areas and building within the building is situated a declaration under Section 2 read with Section 10 of the West Bengal Apartment Ownership Act, 1972 has been submitted before the Competent Authority (Page 16 to 119 of the Counter Affidavit of the Respondent) and in Page 20 Para 2 the Area and description of the building has been described and in Page 23 the Area and description of common areas and facilities have been mentioned, in Page No. 30 Shops are under the category of apartment as in Schedule "A" description of Property and in Page 46 Serial (B) the Description of Common areas and facilities in respect of each building has been mentioned wherein in Serial No. 3 the Amenity area has been mentioned, in page 48 under Serial "C" the Description of each apartment of each building – Apartment Nos. 783 and Shops/Offices/Retal Areas 61 has been mentioned in a tabular form, in page 58 Amenity Shop Amenity Spine-Shop areas have been mentioned; in page No.81(d) the Percentage of individual interest in the common areas and facilities appertaining to each apartment and its owners for all purpose including voting has been described and in Page No. 100 from Serial No. 784 to Serial Nos. 832 to 844 the total percentage of individual interest in respect of the Respondent is 2.362273%.

Whereas the Authority drew the attention of the parties present of Section 11 and Section 2(n) of the Real Estate (Regulation & Development) Act, 2016.

Today the matter is hereby part heard due to time constrain.

The Authority is also hereby pleased to extend the Ad-Interim Order passed vide Order No. 02 dated 14.07.2025 directing the Respondent not to alter/create 3rd party interest upon the property as heard in the instant Complaint filed by the Complainant before the Authority till the disposal of the instant Complaint.

Fix after **4 (four) weeks** for next hearing and orders.



(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