

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

Complaint No.WBRERA/COM000732

Mohini Ray..... Complainant

Vs.

Bagaria Realty LLP Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 31.07.2025	Complainant, Mohini Roy is present in the hearing through online mode filing hazira through email. Respondent is represented by learned advocate Ms. Mayuri Ghosh and Mr Gautam Kumar Gupta authorised representative on behalf of the respondent virtually attending in the hearing today. Both have submitted their hazira and Vakalatnama. Complainant submitted that her parents are very much living in the flat and she has been posted in Mumbai for her work but her parents are still there. Regarding the respondent's claim of giving possession to her flat as scheduled and they are claiming that there has been no delay from their end but she submitted before the Authority to her notarized affidavit along with attachments that despite requesting for response from the respondent while there was multiple delays which the complainant had constantly communicated with the respondent that when will the complainant will be getting the handover and possession, there was no response from them. Further complainant submitted that they had received the letter from respondent that she would be receiving possession on June 2023 that was roughly nine months after the scheduled date as per the sale agreement and the reason was given for delay due to Covid 19. But there has been delay beyond that and we have finally received the possession on November 2024 and the entire delay cannot be used as a blanket shield for such a long delay when everything had been lifted and all the restrictions were lifted. Respondent's affidavit in opposition is received by the Authority and the complainant. Learned Advocate for the respondent submitted that the initial complaint was on two fold issues, one that the complainant did not get the flat handed over with the possession within the scheduled date as committed by the respondent through Agreement for Sale, second interest or compensation for the delay in handing over the possession of the flat. She drew the attention to the affidavit filed by the complainant at page 3 the relevant clause is mentioned where the promoter assured to handover possession of the apartment along with ready and complete common areas right to use common areas with all specifications with common amenities and facilities of the project in place with the possession dated 30th September 2022 with a grace period of six months unless there is a	

delay or failure due to war, cyclone, floods, drought, fire, etc or any other calamity caused by nature affecting the regular development of the real estate project or any unforced in occurrence acts, court order, events, commissions or accidents which are beyond the reasonable control of the promoter so prevented and does not arise out of the bridge by any such of the party of its obligation under this agreement force majeure conditions.

Also upon application for extension of this project this Authority granted the applicant promoter Respondents in the instant complaint hearing for the period of 14 months with the new completion date as from **01.07.2023 to 31.08.2024**. The possession notice for the said flat was issued on **17.08.2024**. Whether this extension granted by the Authority was informed to all the parties including the complainant, Learned Advocate for the respondent submitted that the grant of extension of the completion date for this project was already in the public domain of their site which was objected to by the complainant stating that while all correspondence relating to the instant project were being exchanged by the respondent with the complainant it is quite natural for her to expect the same response from the respondent promoter in informing the complainant of the new completion date being granted to the respondent promoter which did not take place.

After hearing both parties the Authority directs the complainant to submit an supplementary affidavit within a week's time of receipt of this order both in hard and soft copy before the Authority and serve the copy to the respondent.

The respondent is at liberty to file and rejoinder affidavit within a week's time upon receipt of affidavit from the complainant either of the hard and soft copy submits before the Authority and serve a copy to the complainant.

Fix after **4 (four) weeks** from this date for further hearing and order.

(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority