

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

Complaint No.WBRERA/COM 000151

Danish Javed Complainant

Vs.

Aslam Hussain Khan..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 27.07.2023	<p>Advocate Sawant Chanda is present in the online hearing on behalf of the Complainant. She is requested to file her hazira and vakalatnama to the Authority through email immediately after today's hearing.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice through speed post and also by email.</p> <p>Let the track record of the due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per Complainant Petition, the father of the Complainant Late Javed Iqbal was the owner in respect of 1/3rd share in respect of the property situated at holding no. 283/12/1, Belilious Road , P.O, P.S. & District – Howrah measuring about 3000 sq.ft. together with R.T. Shed Measuring about 600 sq.ft. , who died intestate on 09.05.2020 and after the death of the said person the present Complainant became the owner of the said 1/3rd share of the property by way of inheritance. The Complainant had entered into a Development Agreement with the Respondent on 11.03.2020, in order to develop a residential G+5 storied building on the property situated at Holding No. 283/12/1, Belilious Road, P.O, P.S. & District – Howrah measuring about 3000 sq.ft. together with R.T. Shed Measuring about 600 sq.ft. and which is registered in book no. 1,</p>	

volume no. 0513-2020, page from 56203 to 56245 being no. 051301521 of 2020 before the DSR-II, Howrah, W.B., dated 12.03.2020 and Development Power of Attorney was also executed between the Complainant and the Respondent dated 11.03.2020 which was also registered in Book No. 1, volume no. 0513-2020, page from 56246 to 56273 being no. 051301538 of 2020 dated 11.03.2020. As per Agreement owners allocation of 45% which consist of 1000 Sq.ft. along with R.T. Shed measuring about 200 sq.ft. on each floor and Developers allocation of 55% of the total G+6 Building subject to the building sanctioned plan sanctioned by the Howrah Municipal Corporation. The said building was supposed to be completed within two years from obtaining the building sanctioned plan. The Complainant states that such building has not been completed within the stipulated period as mentioned in Agreement and the developer did not deliver the possession of their portion of shares in the said newly constructed building. The Complainant also states that the building has not been constructed according to the building sanctioned plan sanctioned by the Howrah Municipal Corporation.

The Complainant prays before the Authority to direct the Respondent to comply with the terms and condition of the development Agreement dated 11.03.2020 by delivering the possession to the land owners after disbursing compensation to the landowners for not delivering possession within the stipulated time and for making illegal construction by not acting as per the building sanctioned plan sanctioned by the Howrah Municipal Corporation.

After hearing the Complainant, the Authority is hereby pleased to admit this matter for further hearing and order as per section 31 of RERA Act, 2016 read with Rule 36 of the WBRERA Rules, 2021 and give the following directions:-

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft

copies, within **15 (fifteen)** days from the date of receipt of this order through email.

The Respondent is hereby directed to submit his Written Response on a notarized affidavit to the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **03.10.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)

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