

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

Complaint No. WBRERA/COM001594

Chowdhury Hefazat Karim.Complainant.

Vs

Ideal Real Estates Private Limited.Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 21.01.2026	<p>The Complainant, Chowdhury Hefazat Karim (Mobile:- 9163255226 and Email ID: chowdhuryhefazatkarim@gmail.com), represented by the Learned Advocate, Abhrajit Roy Chowdhury, (Mobile No. 8017814874 Email ID: abhrajittoychowdhury6@gmail.com) is physically present in the hearing today by filing hazira and vakalatnama which shall be kept in record.</p> <p>The Respondent, Ideal Real Estates Private Limited, is absent in today's hearing although due notice was served.</p> <p>The Learned Advocate for the Complainant stated that the Complainant by a Registered Agreement for Sale dated 19.04.2022 booked a Flat being No. 9E, on the 9th Floor measuring carpet area of approximately 977 square feet in Block Garnet forming part of the complex Ideal Aquaview, at the premises mentioned in the schedule of the said Agreement for Sale. In the said Agreement it was stipulated that that the possession of the completed flat will delivered on 30.09.2021 and due to covid the project was extended and the delivery of possession was extended till 30th June, 2022. Total consideration amount of the said Flat is Rs.90,00,000/- and the Complainant has already paid Rs.54,39,348/- till 10/11/2024 which is more than 50% of the total consideration amount. The payment has been made by the Complainant as per payment Schedule being Schedule "C" of the said Agreement for Sale. The construction of the said building has not yet been completed and the Respondent did not place any demand. Several representations were made for delivery of possession but no response has been made by the Respondent as the Flat is not ready for delivering possession.</p> <p>The Complainant prayed for the following reliefs:-</p> <ol style="list-style-type: none">1. The Complainant humbly prays before this Authority to appoint an Adjudicating Officer to inspect the site and submit a report with respect to the progress in construction with respect to the flat No. 9E, on the 9th Floor, Garnet Block measuring carpet area of approximately 977 Square Feet, having super built - up area of 1505 Square feet.2. A specific direction be passed upon the developer/opposite party to hand over peaceful and vacant possession of the said apartment in favour of the Complainant within a period of one month from date.	

3. A direction upon the Developer/opposite party to hand over the certificate evidencing the delivery of possession within one month from date.
4. A direction upon the developer/opposite party to handover completion certificate with respect to the said flat in favour of the complainant within one month from date.
5. A direction upon the developer/opposite party to pay a sum of Rs.15 Lakh in the form of compensation for delay in delivery of possession of the said apartment in favour of the complainant.
6. Interest at the rate of 12% per annum upon the awarded compensation calculated from 1st July, 2022, till the date of its actual realization.

The Learned Advocate appearing for the Complainant prayed for Ad-interim Order of Injunction directing the Respondent not to create any third party interest in respect of the flat in question.

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions:-

The Complainant is directed to submit his total submission regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition in 'M' Form and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **2 (two) weeks** from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **2 (two) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix after **6 (six) weeks** for next hearing and order.



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority