

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

Complaint No. WBRERA/COM001715

Abhishek Bhuwalka.Complainant.

Vs

Mercstone International 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, Abhishek Bhuwalka (Mobile: 9062191176 and Email ID: bhuwalkaestates@gmail.com) is physically present in the hearing today by filing hazira which shall be kept in record.</p> <p>The Respondent, Mercstone International Private Limited, represented by the Learned Advocate, Arindam Ghosh appeared online and he has filed hazira and vakalatnama which shall be kept in record.</p> <p>The Complainant stated that he entered into a Registered Joint Development Agreement dated 16.07.2019 with the Respondent and Chandrali Builders & Developers Private Limited for development of Project "Chandrali Arcade Housing Complex. The Project "Chandrali Arcade was registered under HIRA being No. HIRA/P/N OR/2019/000430. And due to breach of terms, illegal conduct by Chandrali and Complainant was lodged before HIRA being Complainant No. COM/000322/2020 and the Hon'ble Tribunal on 08/10.2020 passed an order restraining further bookings/sales in the project. Even though sales continued and RERA is on in-action the Developer and no punitive or penal steps according to the act was imposed. Despite this the Respondent and Chandrali Builders & Developers Private Limited fraudulently collaborated and secured WBRERA Registration No. P/NOR/2024/001466 under the new project name " Shiva Gardens", suppressing litigation, injunction orders, and the JUDA. He also stated that there are several other Suits pending before the Learned Civil Courts wherein Injunction Order has been passed.</p> <p>He prayed for the following reliefs :-</p> <ol style="list-style-type: none">1. An ad-interim order restraining the Respondent and the Chandrali Builders & Developers Private Limited from selling, booking, advertising, marketing, transferring or creating any third party interest in respect of the project "Shiva Gardens" pending disposal of the present complaint.2. Suspension of the impugned project registration granted to the Respondent until this Hon'ble Authority verifies the allegations of fraud, suppression of litigation, and misrepresentation, including the prior HIRA proceedings and the Order dated 08.10.2020 in COM/000322/2020.	

3. A direction upon the Respondent and Chandrali Builders & Developers Private Limited to produce the entire registration file of "Shiva Gardens", including all affidavits, declarations, scrutiny sheets, sanctioned plans, built-up area statements, title documents and litigation disclosures submitted before WBRERA.
4. A restraint order preventing the Respondent and Chandrali Builders & Developers Private Limited from altering or modifying any sanctioned plan, layout plan, built-up charts, common area details or promotional materials relating to the project until the complaint is adjudicated.

The Learned Advocate for the Respondent stated that the Respondent is not in any way connected with the instant Complaint and also Chandrali Builders & Developers Private Limited has not been made party in the instant Complaint for the proper adjudication so, Chandrali Builders & Developers Private Limited should be made as Respondent after excluding the Respondent in the instant Complaint.

Heard both the parties in detail.

After hearing the Authority is of the view that other proceeding is still pending and no such documents have been produced, so the Authority is hereby pleased to 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 including the earlier proceedings and pending Suits in other Forum with orders passed therein 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 mentioning the present status of the pending suits relating to this Complaint, 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.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority