

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

Complaint No. WBRERA/COM001296-CP

Smita Banerjee. .... Complainant.

Vs.

Bhutoria Construction Private Limited.. .... Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 23.06.2025	<p>The Complainant, Smita Banerjee is present online at the time of hearing of the instant Complaint. She is requested to submit hazira which should be kept in record.</p> <p>The Respondents, Bhutoria Construction Private Limited was represented by Sri Deepan Mukherjee, Authorized Representative appeared online and the Learned Advocate, Arcoh Chatterjee appeared physically at the time of hearing. They have submitted hazira, vakalatnama and authorization letter which will be kept in record.</p> <p>Today is the Admission hearing.</p> <p>The Complainant stated that she has purchased a flat at Tower-II, IB on First Floor in the project Zircon-II from the Respondent. The Sale Agreement was executed on 5<sup>th</sup> November, 2019 and the Respondent sent a mail wherein they fixed the delivery date was fixed on 30<sup>th</sup> September, 2023 as extension of the project has been given by the WBRERA. The Complainant also stated that at the time of physical inspection she found that that is incomplete construction so there was delay in delivering possession. She also stated that the quality of the water supplied is very poor. She also that the electricity charge is very high and she sought for connection from the WBSEDCL which is presently not possible. The complainant has made 10 points grievances against the Respondent in Form 'M'.</p> <p>The Learned Advocate appearing on behalf of the Respondent stated that the C.C. was obtained on 13.9.2024 and after that the Respondent has applied for extra construction/Addition of the Construction in the said project. The Respondent has applied for further registration of the additional construction from the WBRERA and is abiding with all the Rules and regulations as laid by the Authority and the project is registered under WBRERA.</p> <p>The Learned Advocate mentioned about the Point No. 5 of the Complainant about the high speed elevators which is now in operational.</p> <p>The Learned Advocate mentioned about the point No. 6 of Form 'M' about the parking area demarcation. He stated that the parking area is demarked as</p>	

per the Conveyance Deed executed between his client and the Complainant.

The Learned Advocate mentioned about the point No. 14 of Form 'M' about Gem Tower and questioned as how the Complainant is referring to and relating to her complaint. Complainant sought further time to reply.

The Complainant also stated that the Respondent has not taken any steps for forming Association of the Allottees. The Learned Advocate stated that the same will be formed in time as mentioned through the Act.

On the point of delay in delivery of possession as mentioned in Form 'M' the Learned Advocate appearing for the Respondent stated that the delay fact is to be proved by the Complainant and it is matter on record. Complainant sought compensation for mental agony and harassment against the respondent, and the compensation thereof.

After hearing both the Complainant and Respondent, 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 their Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested copy of supporting documents and a signed copy of the Complaint Petition in form M and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

Complainant sought compensation for mental agony and harassment against the respondent, the compensation thereof, if any, should be submitted before the appropriate Authority in Form 'N'.

The Respondent is hereby directed to submit their Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of supporting documents including the certified copy of the Registration certificate for this instant project Zircon Tower II and the additional construction upon 10<sup>th</sup> Floor as submitted by the Ld' Advocate for the respondent during today's hearing, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and scan 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 next date after **6 (SIX) weeks** for further hearing and order.



(JAYANTA KR. BASU)  
Chairperson

West Bengal Real Estate Regulatory Authority