

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

Complaint No. WBRERA/COM 001688

Mohammed Mustaque Ahmed..... Complainant

Vs

Ankur Nirman Pvt. Ltd. .... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 18.03.2026	<p>Chartered Accountant, Mr. Abhishek Agarwal (mobile no:- 886120041 and email id:- <a href="mailto:abhi.associates2018@gmail.com">abhi.associates2018@gmail.com</a>) is present in today's hearing physically on behalf of the Complainant by filing authorization and signing the attendance sheet.</p> <p>Respondent is absent in today's hearing, despite due service of hearing notice. Respondent through an email has informed of their inability to join today's hearing and prayed for a short adjournment, as they could not manage to arrange counsel to represent on behalf of them.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant stated that he is an Allottee of a residential Unit in the project "Ankur Sukriti" Developed by the Respondent which was having WBHIRA Registration No. HIRA/P/PAS/2019/000664. The stipulated date of Project Completion was 30.09.2022. Though possession was offered/ handed over by the Respondent including Execution of Deed of Conveyance but the Complainant has not yet obtained occupancy certificate. NOC for Fire safety is yet to be obtained. In spite of making payment for water connection, permanent water connection from the Municipal/Local Authority has not been provided, the Apartment Owners' Association has not been formed. Moreover, a number of promised amenities are still incomplete. The project is not delivered in line with the terms of the Agreement for Sale and Sanction Plan. The Respondent has violated provision of Section 11(4)(b) and also Section 11(4)(e).</p> <p><u>Complainant prays for the following reliefs:-</u></p> <ol style="list-style-type: none"><li>Direct the Respondent to obtain and submit the OC and drinking water facility within a time bound manner from the competent Municipal Authority.</li><li>Direct the Respondent to complete and operationalize all promised amenities and facilities as advertised and mentioned in the agreement and marketing brochures.</li><li>Direct the Respondent to apply and ensure formation of the Apartment Owners' Association, in compliance with Section 11(4)(e) of the Act.</li></ol>	

- d) Direct the Respondent to provide a complete detail of amount collected as sinking fund and the same should be kept separately in escrow account until the formation of the Apartment Owners' Association
- e) Direct the Respondent to provide the statement of accounts which must have head wise expenditure in details until as on date respondent is maintaining the complex.
- f) Direct the Respondent to handover documents related to AMCs of various plant & machineries including that of elevators, firefighting system, water treatment plant and so on. Also, all the documents, occupancy certificate with final sanction plans including drawings of plumbing, sewage, drainage and fire lines of the entire project.
- g) Award compensation and interest to the Appellant as per Section 18(1) of the act for the period of delay in obtaining OC and providing full amenities, calculated at the rate prescribed by the Authority.
- h) Pass any such other relief or order deemed just and proper in the interest of justice.

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: -

- A. The Complainant shall submit <sup>his</sup> her 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 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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.
- B. The Respondent shall submit their 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 same (in original) to the Authority serving a copy 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. On their Affidavit the Respondent shall specifically mention whether they have fulfilled all their obligations as promised by him while executing the Agreement for Sale including the reliefs as mentioned by the Complainant on their complaint petition in Form-M being heard today.

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

(JAYANTA KR. BASU)

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