

Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park, Kolkata- 700 075

Complaint No.WBRERA/COM (Physical) 000134

Dr. Samaresh Chandra Das, President Sunny Fort Association of Apartment
Owners Complainant

Vs.

Jamshed Ali Molla, Director, Sunny Rock Restates and Developers Private
Limited Respondent 1

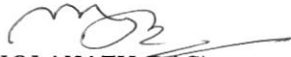
Sl. Number and date of order	Order and signature of the Officer	Note of action taken on order
08 17.07.2025	Advocate Suranjan Kundu (ph:- 8910358172 and email:- sunnyfort.association@gmail.com, kundusuranjan@yahoo.com) is present in the physical hearing on behalf of the Complainant filing Vakalatnama and signing the Attendance Sheet. One Advocate, namely Mr. Roshan Sengupta, appeared before the Authority and stated himself as Advocate of the Respondent but he could not filed vakalatnama in favour of him. Hence, his Attendance is not considered in today's hearing. The Respondent did not submit their Affidavit in response to the Complaint petition in spite of Authority order dated 07.05.2025 giving them the last chance to submit the same and it was categorically motioned in that order that if the respondent fails to submit the affidavit with in the time frame fixed by the Authority, this matter will be heard Ex-Parte. In spite of that, the Respondent again violated the order of the Authority by not submitting the Affidavit. As such, this Authority is proceeding with Ex-Parte hearing and heard the Complainant in detail. The Complainant submitted that the Respondent Developer company constructed a residential complex known as "Sunny Fort" located at premises no. 07-0622, street No. 622, action area IIB, Newtown, Kolkata 700161 and sold the Apartment to the general Public. After getting possession of the flat by the purchasers association namely "Sunny Fort Association of Apartment Owners" has been formed under West Bengal Apartment Ownership Act. The concerned Association, being the Complainant in the instant complaint petition alleged before the Authority regarding non-compliance of different obligations as per	



	provision of Agreement for Sale and also provisions as per Real Estate (Regulation and Development) Act, 2016, such as not handing over the sanction plan and other documents to the Owner's Association, not refunding the sinking fund to the Association and also not completing the remaining works related to different amenities and facilities etc. Now, after hearing the Complainant and going through the Affidavits submitted by the Complainant, the Authority is of the opinion that the Respondent has failed miserably to comply their obligations as per provisions of the Agreement for Sale and also provisions of section 17(2) of Real Estate (Regulation and Development) Act, 2016. The Respondent was given several chances to place their submission but they failed to do so, violating Authority order dated 03.09.2024, 31.01.2025, 27.02.2025, 26.03.2025 and 07.05.2025 and did not deposit the penalty amount of Rs. 10,00,000/- as directed by the Authority vide order dated 26.03.2025. And the Authority is hereby pleased to give the following directions:- - The Respondent shall refund the entire money lying with him as sinking fund, the amount collected as insurance premium and mutation charge from flat owners time to time. - The Respondent shall also provide the statement of accounts with head wise expenditure in details during the periods he was looking after the maintainance works of the complex. - The Respondent shall also handover all relevant documents such as occupancy certificate with final sanction plan including drawings of plumbing, sewage, drainage and fire lines of the entire project. - The Respondent shall comply the order mentioned vide serial no. A, B and C of this Authority within 3(three) months from the date of receiving this order by sped post or by email whichever is earlier. - The Complainant shall send their Bank Account particulars to the Respondent within 7(seven) days from the date of receiving this order. - The Respondent shall also pay a penalty of Rs. 10,00,000/- (ten lakh only) for non-compliance of the order of the Authority dated 26.03.2025 within 30(thirty) days from the date of receiving this order by speed post or by email, in the following account of WBRERA. A/c Name:- WEST BENGAL REAL ESTATE REGULATORY Bank Name:- STATE BANK OF INDIA A/c number :- 00000042520982210 IFSC number:- SBIN0014524 In case of non-compliance of the order of the Authority by the Respondent, the Complainant is at liberty to file an Execution Application before the Authority as per Execution Regulation. With this direction the matter is hereby disposed of.	
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Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority