

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

Complaint No. WBRERA/COM (physical) 000247

Sanghamitra Lenka Complainant

Vs

M/S Castle Projects Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 21.07.2025	Advocate Mit Guha Roy (mobile:- 9903004554 and email id:- mitguharoy2023@gmail.com) is present on behalf of the Complainant in today's hearing through online mode filing vakalatnama. Respondent is absent in the hearing, despite due service of the hearing notice through email. Heard the Complainant in detail. As per the Complainant, she purchased a flat being apartment no. 1F, 1st floor, tower no.2 of the building named "Castle", Mollar Gate, Budge Budge Road, from the Respondent company by registered Deed of Conveyance in the year 2023. The Respondent constructed an RCC slab adjacent to the northern side of the said flat on the 1st floor, connecting tower1 and tower 2 which is now being used by unknown persons in unauthorized manners. The said RCC slab leads to the community hall, which is situated on the 1st floor of tower 1. There is a big glass door installed on the southern side of the Community hall, which grants direct access to the said RCC slab and allows easy entry thereby granting unauthorized access on to the said RCC slab. This RCC slab has been decorated and is now being used as a open common terrace, connected with the said community hall, this leads to unauthorized access to the RCC slab by the strangers, invitees and other unknown persons attending every occasion/party/get together in the said community hall, thus, creating nuisances and disturbances till late at night to the Complainant along with her family members. The Complainant lodged a complaint before the Maheshtala Municipality and after inquiry, the concerned municipality directed the Respondent, not to use the open terrace in front of the community room for any event. And the Municipality also directed the Respondent to explain the position of the owner according to his registered plan. But the Respondent did not comply the order. The Complainant further alleged that as per Deed, the Respondent has sold her the flat having 801 sq feet carpet area, but physically the Respondent sold her 760 sq feet of carpet area only to the Complainant. The Complainant prays for relief for directing the Respondent to construct a	

brick or masonry wall to block the glass door, attached with the said community hall and further proceed with the demolition of the RCC slab, connecting the flat purchased by the Complainant and constructing a covered balcony/baranda in accordance to the building sanctioned plan on the northern side of the apartment beside the drawing cum dining room or refund the price of the 51 sq feet carpet area which the Respondent failed to deliver to the Complainant.

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: -

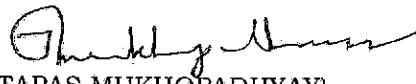
The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested/self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **10 (ten)** days from the date of receipt of this order of the Authority by email.

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 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 **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **10.12.2025** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority