

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

Complaint No.WBRERA/COM (PHYSICAL)000230

Regent Crown Phase-II Residents Welfare Association Bardhaman.....Complainant

Vs

RDB Reality and Infrastructure Ltd.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 03.02.2026	<p>The Complainant is represented by Arun Kumar Bhattacharya, Abdulla Midda and Jyotsna Nandi, who attended physically, and their L'd Adv. Uttiya Ray appeared online submitting his hazira.</p> <p>The Respondent is represented by his authorized representative, Amit Kumar Kedia(C.A.) through online mode.</p> <p>As directed by the authority vide Order number 2 dated 10th September 2025 the Complainant filed Supplementary Affidavit through Notarized Affidavit dated 22.09.2025. The respondent has submitted his written response dated 09/10/2025 to the Supplementary Affidavit of the Complainant through notarized Affidavit where respondent have raised the Maintainability of the instant complaint being heard by the authority.</p> <p>Heard both the parties in details.</p> <p>The respondent quoting section 31 of the RERA Act 2025 which provides for filing of complaints with the authority or the adjudicating officer submitted that as per Section 31 of the said RERA Act 2016,Sub section (1) states that any aggrieved person may file a complaint with the authority or the adjudicating officer as the case may be for any violation or contravention of the provision of the Act or the Rules and Regulations made there under against any promoter allottee or real estate agent as the case may be where further explained for the purpose of this subsection person shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. The authorized representative for the respondent submitted the complainant filing the instant complaint doesn't come under the said definition of person in filing the instant complaint through form M as the complainant. As such the instant complaint is not maintainable under the said RERA Act 2016 and should be dismissed.</p> <p>The Ld' advocate for the complainant responded to the argument placed by</p>	

the respondent by submitting that as referred in section 31 of the said Act the person as explained Section 31 subsection (1) **shall include** the association of allottees or any voluntary consumer association registered under any law for the time being in force along with the definition of **person** as defined under **Section 2 (zg) of the said Act** . The Ld' advocate for the complainant Argued that his client has the **clause (vi) under Section 2 (zg) of the said Act**. The Ld' advocate for the complainant argued that his complainant has complied as per the provisions of the said RE (R&D) Act 2016.

After hearing both the parties submitting their arguments on the subject of maintainability of the instant complaint as mandated under the said RE (R&D) Act 2016 the authority of considered opinion that while the referring to Section31 subsection(1) providing for filing of the complaint before the authority or the adjudicating officer the respondent has limited the complainant for filing complaint through Form M before the Authority as any aggrieved person as explained along with the said Section 31 emphasizing on **shall include** the association of allottees or any voluntary consumer association registered under any law for the time being in force thereby restricting and denying complainant as **person** as defined under **Section 2 (zg) of the said Act** . The Ld' advocate for the complainant argued that his client has abided with and comes under the **clause (vi) under Section 2 (zg) of the said Act**.

The authority firmly believes that filing of a complaint as mandated under the said RE(R&D) Act 2016 and WBRERA Rules 2021 should be an integral part of grievance redressal mechanism and performs an important role in regulation and development of any system as Real estate as in the instant case and the principle of inclusivity should be emphasized rather than of the exclusion. The authority Observing the provisions of section 31(1) read with section 2(zg) rejects the submission of the respondent and directs upon the parties that the instant complaint matter is maintainable as mandated under the said RE(R&D) Act 2016 and WBRERA Rules 2021. Today the incident complaint matter is partly heard due to time constrains .

The authority hereby directs both the parties to comply with the following directions.

- A. The complainant is hereby directed to submit before the Authority any further document if any to be self attested /notary attested in respect to the complaint both in soft and hard copy along with the notes of argument **within two weeks time** of receipt of the instant order through notarized Affidavit and serve the copy to the respondent .

- B. The respondent upon receipt of the complainant Affidavit along with the attested documents is at liberty to make his response through notarized Affidavit along with self attested/notary attested documents and submit their response both in soft and hard copy along with the notes of argument to be submitted **within two weeks time period** serving a copy to the complainant.

Next date of fixed 6 (six) weeks from this date.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority