

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

Complaint No.WBRERA/COM 000810

Tapan Dutta and Dr. Paromita Roy Complainant

Vs

Ideal Real Estate Pvt. Ltd Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
05 03.02.2026	<p>Complainants are present in the hearing physically by signing the attendance sheet.</p> <p>Advocate Srijeeta Gupta is present in the hearing on behalf of the Respondent Company through online mode by filing hazira through email.</p> <p>Respondent served copy of their affidavit to the Complainant as per order of the Authority dated 13.10.2025.</p> <p>The Complainants also submitted Affidavit in response to the affidavit of the Respondent dated 11.10.2025.</p> <p>Heard both the parties in detail.</p> <p>The Complainants again submitted that they need immediate possession of his Flat with compensation as per provision of the Act. They also stated that there are lots of works pending in the common area and also on the floor outside their Flat.</p> <p>Respondent stated that the Flat of the Complainant is ready for possession. But while asking whether they have got OC/CC of the project, the Respondent admitted that they have not obtained OC/CC as yet.</p> <p>The Respondent also could not give any specific reply regarding validity of the Registration of their Project.</p> <p>The Respondent submitted that as per provision of the Agreement for Sale the Complainant is not liable to get any compensation. She also stated that as per provision of 9.6.3 of the Agreement for Sale it is not obligatory for the Respondent to complete the common portions before giving the possession notice to the buyers.</p> <p>After hearing, the Authority rejected the plea of the Respondent regarding compensation, completion of common area before possession, since provision in the Agreement for Sale as pointed out by the Respondent is not confirming with the provision of erstwhile WBHIRA and RERA Act. The Respondent got the project registered with erstwhile WBHIRA, thereby, it is obligatory on their part to abide by</p>	

the provisions of WBHIRA/WBRERA Act.

The Respondent is bound to give possession to the Complainants their allotted Flat along with the proportionate share of the common area obtaining OC as well as CC of the project. The Flat was scheduled to be handed over by 31.12.2017 which the Respondent has failed to comply with even till to date. The Respondent has thereby clearly violated the provision of section 18 of the RERA Act.

Now the Authority is hereby pleased to give the following directions:-

- A. Let the name of Dr. Paromita Roy considered to be Joint Complainant be reflected as Complainant in the cause title.
- B. The Respondent through notarized Affidavit shall submit specific information regarding action taken by them for obtaining OC as well as CC of the project within **14(fourteen) days** from the date of receiving this order through email.
- C. The Respondent shall also submit through affidavit regarding present status of the validity of their registration with this authority including compliance of submission of Quarterly Progress Report by them as mandated in the Act and submit the same within **14(fourteen) days** from the date of receiving this order through email.
- D. As per provision of section 18, of Real Estate (Regulation and Development) Act, 2016 read with Rule 18 of WBRERA Rules, the Respondent shall pay the Allottee interest for every month of delay, w.e.f. 01.01.2018 till the handing over of the possession at the rate SBI PLR plus 2%. The interest accrued as on the date since 01.01.2018 shall have to be paid by the Respondent in favour of the Complainant within **45 days** from the date of receiving this order through email. And they shall continue to make the payment of interest to the Complainant at the end of every month till handing over the possession.
- E. The Complainants shall send their bank account details within **3(three) days** from the date of receiving this order through email.

Fix **after 8(eight) weeks** for review and further hearing.



(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