

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

Complaint No. WBRERA/COM001284

Vijay Nath Jha..... Complainant

Vs.

Debashis Banerjee. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 24.07.2025	The Complainants, Vijay Nath Jha along with the Learned Advocate, Sourav Ganguly appeared physically at the time of hearing of the instant Complaint. They have submitted hazira and Vakalatnama by the Ld. Advocate which shall be kept in record. The Respondent Debashis Banerjee represented by the Learned Advocate, Soumik Samanta appeared physically at the time of hearing of the instant Complaint. He has filed hazira and Authorization letter which should be kept in record. The Complainant has submitted a Notarized Affidavit dated 17.06.2025, containing total submission regarding this Complaint Petition, as per the last order of the Authority dated 09.06.2025, which has been received by this Authority on 17.06.2025. Let the said Notarized Affidavit of the Complainants be taken on record. The Respondent has submitted Affidavit-in-Response dated 24.6.2025 which has been received by this Office on 24.06.2025. Let the said Affidavit-in Response of the Respondent be taken on record. Both the parties confirmed the receiving of Affidavits from each side as per the Order No. 1 dated 09.06.2025. The Complainant Mr. Vijay Nath Jha submitted that he would like to raise the issue on equity and that all other issues are subject to law point whether to be tenable or not. The Complainant submitted that he along with his wife, Smt. Prabha Jha entered into a Development Agreement with the Promoter/Respondent on 02.09.2019 and on that they also entered into a Construction Power of Attorney after registered Development Agreement as stated above on the same date.	

The Complainant submitted that most important part of the Development Agreement is in consideration of construction of a residential building on his plot of land where the Respondent/Promoter will get 50% minus 200 Sq. Ft. of the total area to be constructed on the Complainant's land.

The Complainant also submitted that the Respondent/Developer got the project registered providing wrong information. He further submitted that along with his piece of land the Respondent has further added and amalgamated adjoining land and making construction over the amalgamated land instead of a single stand alone building as per the Development Agreement executed between the Complainant and the Respondent/Promoter/ Developer. In doing so the Promoter has excluded the Complainant from decision and is treating the project as if the Complainant had no role despite the fact that a part of the project land belongs to the Complainant.

The Complainant also submitted that the Respondent is constructing the questioned project without complying with the Provisions of the Real Estate (Regulatory & Development) Act, 2016 and is randomly selling the flats to different home buyers.

Today's hearing could not be completed and further to be heard in the next date of hearing.

The Complainant submitted that he will submit a short note of argument.

Both the parties are at liberty to submit any written Response/Affidavit/Argument regarding the instant Complaint.

After hearing both parties, the Authority is pleased to give the following directions:-

The Complainant and the Respondent are directed to file Written Response/Affidavit/Argument, if any, before the Authority within 2 (two) weeks from date.

Fix after **7 (seven) 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