

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

Complaint No.WBRERA/COM 001284

Vijay Nath Jha..... Complainant

Vs.

Debashis Banerjee proprietor of M/s P.I.B. CO..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 09.06.2025	Complainant is represented by the Ld' Advocate Sourabh Ganguli who appeared online in the today's hearing. Respondent is represented by the Ld' Advocate Soumik Samanta who appeared physically in the hearing. The Complainant, as the rightful owners of the land on 02.09.2019, executed a registered Development Agreement and Power of Attorney in favour of the Promoter for constructing a residential building on our land. As per the agreement, the Promoter was to construct the building at his own cost and hand over our share of flats. The Promoter was allowed to sell his own share only after finalization of owners' allocation. Construction was to be completed within 24 months from building plan sanction and commencement. However, over five years passed, and the Promoter did not take any step to start the process. The Promoter failed to apply for plan sanction or begin construction. No communication was made to the complainant in this regard. Finally, the building permit was applied for on 05.01.2024 and approved on 05.03.2024. This inexcusable delay reflects negligence and breach of agreement. Even after plan approval, the Promoter did not inform us, as landowners, we were not updated at any stage, even though the Promoter was acting under our Power of Attorney and was duty-bound to keep us informed. Construction started on 05.11.2024, only after our repeated follow-ups. Form B was submitted, and RERA registration was obtained on 05.12.2024. Again, we were not informed. We found out through independent checks. This shows a deliberate lack of transparency. On 05.01.2025, we visited the site after hearing that the fourth-floor roof casting was complete. To our shock, we found that our land had been merged with two neighbouring plots and a passage, without our knowledge or consent. No such proposal was ever shown to us. The layout was entirely different from what was discussed earlier. When we raised objections, we faced resistance. The complainant later discovered from WBRERA records that a Deed of Amalgamation (Book No. I, Being No. 2676 of 2021) was registered by the Promoter claiming to be our attorney. This is false. Our POA never allowed the Promoter to amalgamate land. Clause 34 of the POA expressly	

prohibited such acts. This deed was executed fraudulently and without our consent.

We are also concerned about the way construction has been carried out. Four floors were cast in just 60 days. As per engineering norms, each floor requires at least 28 days of curing for final strength. The rushed construction compromises safety and raises serious doubts about structural integrity.

Despite RERA registration, the Promoter has failed to comply with its financial provisions. As per RERA, 70% of the money collected from buyers must be deposited in a separate account and withdrawn only as per progress, with certification. No such account or certification details have been shared with us. We are concerned that the funds may be misused.

The Promoter started selling and booking flats even before registration of the project under RERA Act and without finalizing our share. Under the agreement, our share was to be allocated before any sale. Throughout, the Promoter has acted on the Promoter's own terms, beyond the authority granted, and violated nearly every clause of the Development Agreement and POA. The Promoter has excluded us from decisions and is treating the project as if we have no role, despite it being on our land.

The Promoter's actions being unauthorized amalgamation, unsafe construction, hiding financial information, and selling flats without allocation, clearly shows a pattern of misconduct. We are being denied our rights, and all attempts to communicate have been ignored. These events have caused us immense mental distress, financial insecurity, and emotional trauma. The Promoter has taken our trust for granted and has acted as though we have no legal standing in the project.

The Complainant prays before the Authority for the following reliefs:-

1. Pass an order for revocation of the registration of the real estate project in question, as registered under the RERA Act;
2. Issue a direction upon the Promoter to return and restore possession of the scheduled land to the rightful landowners/Complainants;
3. Pass an order directing the Promoter to pay compensation along with interest for the mental harassment, delay, and financial loss suffered by the Complainants;

The Ld' Advocate Soumik Samanta who appeared physically in the hearing representing the respondent denied all the submission made by the Ld' Advocate on behalf of the complainant and sought opportunity to submit relevant documents to counter and respond to the submission made by the complainant's authorized Advocate.

After hearing both the parties, the Authority is hereby 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 hereby directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit, annexing therewith notary attested/self-attested copy of 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 scan copies, within **7 (seven)** days from the date of receipt of this order of the Authority by email. Also, the complainant is advised to submit his application before the Adjudicating Officer in form **N** for redressal of his mental agony and harassment as stated in the complain petition.

The Respondent Company is hereby directed to submit its Written Response, on Notarized Affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of 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 scan copies, within **7 (seven)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

To fix next date of hearing **4(four) weeks** from this date for further hearing and order.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority