

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

Complaint No. WBRERA/COM000334

Sudip Kumar De ..... Complainant

Vs.

Joydeep Majumder..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 <u>29.11.2023</u>	<p>Complainant is present in the physical hearing and signed the attendance sheet.</p> <p>Advocate Mrs. Sneha Dutta is present in the physical hearing today on behalf of the Respondent, filing hazira and vakalatnama and signed the attendance sheet.</p> <p>Complainant has submitted a notarized affidavit dated 18.10.2023 containing his total submission regarding the Complaint Petition, as per last order of the Authority dated 16.10.2023, which was received by this Authority on 30.10.2023.</p> <p>Let the said Notarized Affidavit of the Complainant be taken on record.</p> <p>Respondent has also submitted his Written Response dated 28.11.2023 containing his full response regarding the Complaint Petition and Affidavit of the Complainant, as per the last order of the Authority dated 16.10.2023, which has been received by this Authority on 29.11.2023.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Heard both the parties in detail.</p> <p>The Advocate of the Respondent at the time of hearing stated that, as full payment has not been made by the Complainant till date, for this reason possession has not been delivered. If the Complainant pays the remaining amount then possession will be delivered.</p> <p>In reply to that Complainant stated that no possession notice has been sent to him till date by the Respondent. For this reasons he has not paid the</p>	

remaining amount which is required to be paid at the time of taking possession, as per RERA Act and Rules made thereunder. He also prayed for an interim order from this Authority restraining the Respondent from alienating the subject matter property by any manner to any third party.

Advocate of the Respondent also admitted at the time of hearing that no possession notice has been sent to the Complainant till date.

Advocate of the Respondent also admitted at the time of hearing that no registration of the project has been taken from WBRERA or from erstwhile WBHIRA Authority.

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

- a) Complainant is directed to submit a Rejoinder / Reply on Notarized Affidavit against the affidavit of the Respondent dated 28.11.2023 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 **15 days** from today; and
- b) Respondent is directed to submit on a notarized affidavit on which date they will deliver possession of the flat completed in all respect to the Complainant and send the affidavit (in original) to the Authority serving a copy of the same to the Complainant within 7 days from the date of receipt of this order through email; and
- c) Respondent shall not alienate by any manner to any other person the flat booked by the Complainant bearing unit no. 3E on the 3<sup>rd</sup> floor in the project name '**Southern Sky**' till the disposal of this Complaint Petition or till further order, whichever is earlier; and
- d) Secretary WBRERA is directed to initiate a separate proceeding for non-registration of the project named '**Southern Sky**' with the WBRERA Authority or with the erstwhile WBHIRA Authority.

Fix **11.01.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

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