

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

Complaint No. WBRERA/COM000565

Arun Kumar Mishra & Ors. Complainants

Paavan Housing Private Limited..... Respondent No.1

Sushil Kumar Jain..... Respondent No.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 27.03.2024	<p>Let Paavan Housing Private Limited be included as Respondent no.1 in this matter as it is a necessary party and for proper adjudication of this matter, its inclusion is necessary and its Director Mr. Sushil Kumar Jain be referred as Respondent no.2.</p> <p>Advocate Mr. Shambhunath Ray (email Id: advamritatewari@gmail.com & Mob. No. 7003958911) is present in the online hearing on behalf of the Complainant filing hazira & authorization through email.</p> <p>The Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track records of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainants in detail.</p> <p>As per the Complainants, the Complainant are the lawful joint owners of the subject matter property. The Landlord of the Complainants have entered into a Development Agreement on 29th July 2018 with the Paavan Housing Private Limited, Respondent no.1 herein, for erection of a new building. The Complainants further executed a Registered Power of Attorney in favour of the said Respondent represented by its Director Respondent no.2 Sri. Sushil Kumar Jain. Some disputes and differences have arisen between the Complainants and the Respondents. The Complainants have deliberately lingeringly performing and contravening clause (8.1) of the Development Agreement whereby and where under it was agreed to erect the said building within 12 months from the date of obtaining the KMC sanction of the building. Hence, the instant Complaint Petition before the Hon'ble Authority for appropriate relief directing the said Respondent-promoter to comply with the terms of Development Agreement and/or failing which not to interfere with the rightful possession of the Complainants in the said building and not to realize any rents from the existing tenants.</p>	

The Complainants pray for the following reliefs:-

It is humbly prayed before the Hon'ble Authority by the Complainants to restrain the Respondent-Developer, their men and agents from disturbing in any manner and not to interfere with the rightful possession of the Complainants in the said building and not to realize any rents from the existing tenants. The Complainants pray for cancellation of the development agreement dated 29.07.2018 as it is against the Complainants. Because for this agreement the Complainants are suffering irreparable loss and injury.

After hearing the Complainants, the Authority is of the view that this matter is related to disputes regarding Tenancy and it does not come under the purview of WBRERA Authority. Therefore it cannot be admitted for further hearing and order as per the provisions of section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36(2)(d) of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence, the matter cannot be admitted for further hearing and order and it is hereby rejected.

Let copy of this order be served to both the parties through speed post and also by email immediately.



(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