

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

Complaint No.WBRERA/COM001001

Debojit Brahma..... Complainant

Vs.

1. Joyville Shaporji Housing Private Limited.

2. K.W.I. C. Pvt. Ltd..... Respondents.

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 06.08.2025	Complainant, Debojit Brahma is represented by the Learned Advocate Nandini Sharma and Mr. Asim Hati in today's hearing who appeared physically at the time of hearing by filing hazira which should be kept in record. The Respondents, Joyville Shaporji Housing Private Limited and K.W.I. C. Pvt. Ltd. Is represented by the Learned Advocates Meghna Dhar, Antanisha Karmakar, who appeared physically at the time hearing of the instant Complaint by filing hazira. The Learned Advocate appearing for the Complainant mentioned Section 1 of the RE(R&D) Act, 2016 to establish that reliefs sought for is within the purview of this Act. He mentioned Sub Section (3) of Section 11 that "<i>The registration granted under this section shall be valid for a period of declared by the promoter under Sub-Clause (C) of [Clause (1)] of sub-section (2) of Section 4 for completion of the project or phase thereof, as the case may be.</i>" He also mentioned Section 89 "<i>The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.</i>" The Complainant prayed that he is very much covered by this Act. The Complainant's Advocate stated that the possession of the flat was given in 2020 and the Completion Certificate has been given in that year. He prayed for demarcation of common area in Phase 1 of consisting of units in towers being A-1, A-2, B-6 and B-7. The Learned Advocate mentioned the Section under 17(2) where it has been mentioned that "<i>it shall be the responsibility of the promoter to hand over the necessary documents and plans, including common areas, to the association of the allottees or the competent authority, as the case may be, as per the local laws</i>" The promoter shall handover the necessary documents and plans, including common areas, [to the association] of the allottees or the competent authority, as the case may be, within thirty days after obtaining the [completion] certificate. So the Learned Advocate for the Complainant prayed for handing over the common area after demarcation and that should be handed over to the Complainant and they will maintain their common area.	

The Learned Advocate appearing for the Respondent objected by saying that the Respondent has already handed over the common area to the Complainants Association. He further stated that the concerned project is having number of Towers. The constructions of different Towers are going on and it was specifically mentioned in the Agreement for Sale regarding handing over of Flats as per Tower wise completion. And several common facilities shall be shared by all the residents of the entire project. He also mentioned that the instant complainant is barred by limitation as five years have already been elapsed.

The Learned Advocate appearing for the Complainant prayed to give the Common Area demarcation and let the Complainant to maintain the area and also raised points relating to CAM charges. The matter has been partially heard today and shall be continued on the next date of hearing.

Fix after **8(eight) 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