

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

Complaint No.WBRERA/COM (PHYSICAL) 000081

Mr. Shiba Prasad Mukherjee..... Complainant

Vs

Tirupati Awast Pvt. Ltd. Respondent no.1

Mr. Anand Kumar Chokhani and Mr. Tarak Chakraborty..... Respondent no.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 30.07.2024	<p>Complainant (Mobile - 9903118573 & email Id: spmukherjee13@yahoo.co.in) is present in the physical hearing today and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing today despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, the fact of the case is that:-</p> <ol style="list-style-type: none">Tirupati Awast Pvt. Ltd. has not submitted the yearly audited accounts in the form of Receipt & Payment, Income & Expenditure and Balance Sheet for the year 2018-19, 2019-20, 2020-21, 2021-22 & 2022-23.Tirupati Awast Pvt. Ltd had collected GST alongwith CAM from owners from 2018 till July 2023 but no documents provided by them, that the same was deposited to GST Deptt.That the Respondent has not paid the 100% charges towards CAM of the unsold flats owned by them from April 2018 till July 2023.Fire safety is out of order since 2019.Proper maintenance not done for STP, WTP. Water purification system not done as per the sale agreement.The Developer (Tirupati Awast Pvt. Ltd) collected extra Rs.100 sq.ft. for installation of Generators & Transformers but no Audited accounts has been submitted.The Respondent has been occupying the Toddlers room (as per sanction plan) as their Sales / Marketing office since 2017 till date without sharing any cost of electricity.No area demarcated for storage of Garbage in sanctioned Building plan. <p>The Complainant prays before the Authority for the following reliefs:-</p>	

1. Year-wise Annual Audited Accounts of Tirupati Awast Pvt. Ltd from 1st April, 2020 till March 2023.
2. Water Purification plant to be done immediately as per Sale Deed.
3. Payment of 100% CAM by the Respondent for all unsold flats since 2018 till July 2023.
4. Complete Restoration of Fire safety system.
5. Vacating the Toddlers room which is being used a Sales office by the Respondent.

Complainant prays before this Authority for the following interim relief:-

1. Vacating the Sale Office immediately and allow owners to use the same as Toddlers room as per Sanctioned Plan.
2. Stay on sale of unsold flats till Audited Accounts are submitted to Tirupati Paradise Association of Apartment Owners.

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

Let **Tirupati Awast Pvt. Ltd.** be included as **Respondent no.1** in this Complaint Petition as it is the Promoter Company of the subject matter Project and therefore a necessary party for adjudication of this matter.

The **Complainant** is directed to submit his total submission regarding this 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 **15 (fifteen) days** from the date of receipt of this order of the Authority by email.

The **Respondent** 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 **15 (fifteen) days** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The **Respondent** is further directed to give point-wise Response regarding the facts of the case as stated by the Complainant in the Complaint Petition and in his Affidavit.

Fix **06.02.2025** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority