

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

Complaint No.WBRERA/COM(PHYSICAL)000134

Dr. Samaresh Chandra Das, President,

Sunny Fort Association of Apartment Owners Complainant

Vs

Jamshed Ali Molla, Director, Sunny Rock Estates and Developers Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 19.11.2024	<p>Advocate Suranjan Kundu (Mob. No. 9434040280 & Email Id: sunnyfort.association@gmail.com) is present in the physical hearing on behalf of the Complainant filing Vakalatnama and signed the Attendance Sheet.</p> <p>Ms. Dipannita Mukherjee (Mobile - 9903851780) is present in the physical hearing today on behalf of the Respondent but she has not submitted any authorization and Vakalatnama before this Authority, therefore her attendance cannot be taken into record and Respondent shall be treated as absent today.</p> <p>The Complainant submitted a Notarized Affidavit dated 18.11.2024, as per the last order of the Authority dated 03.09.2024, which has been received by this Authority on 18.11.2024, containing the List of Allottees, in the Association of Allottees, for whom the Conveyance Deed have been registered.</p> <p>Let the said Supplementary Affidavit of the Complainant be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>Complainant prayed for an interim order of stay restraining the Respondent no.1 and 2 from transferring any properties which are earmarked as common areas in the instant project, as per their Application under section 36 and 37 of the Real Estate (Regulation and Development) Act, 2016, dated 03.09.2024.</p> <p>Heard, considered and approved the prayer of the Complainant on the ground that at any stage common area cannot be transferred / allotted by the Promoter to any Allottee or any third party and it shall be handed over to the Association of Allottees as per section 17 of the RERA Act, 2016.</p> <p>After hearing the Complainant and taking into consideration the documents placed on record, the Authority is hereby pleased to give the following directions:-</p>	

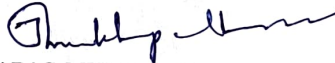
- a) Respondent shall submit **Supplementary Affidavit**, as per the direction (a) of the last order of the Authority dated 03.09.2024, and send the Affidavit (in original) to the Authority, serving a copy of the same to the Complainant, both in hard and scan copies, within **15 (fifteen) days** from the date of receipt of this order of the Authority through email; and
- b) Respondent is hereby given the last chance for filing Supplementary Affidavit, failing which, no more chance and/or opportunity shall be given to the Respondent for filing the same; and
- c) An interim order stay is hereby given upon the Respondent no.1 and 2 restraining them from transferring any properties which are earmarked as **Common Areas** including Open Parking Spaces, Swimming Pool, Club House, Community Hall, Administrative Block, Convenience area and Surrounding Rooms, Shop Rooms, Rooms for Security Guards, Gym Rooms and many other spaces where machine and tools are installed, till disposal of this matter or until further order, whichever is earlier; and
- d) If the Respondent remain absent even on the next date of hearing or if any person/advocate appears on behalf of the Respondent without proper authorization, the Authority may proceed for ex-parte hearing and disposal of this matter on the next date of hearing on the ground of speedy disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

Fix **30.01.2025** for further hearing and order.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority