

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

Complaint No. WBRERA/COM000978

Saikat Khan..... Complainant.

Vs.

Bengal Shapporji Housing Development Pvt. Ltd. Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 07.05.2025	The Complainant, Saikat Khan represented by his Learned Advocate, Arindam Mitra appeared physically at the time of hearing of the instant Complaint by filing hazira. The Respondent, Bengal Shapporji Housing Development Pvt. Ltd is represented by the Learned Advocates, Sanjukta Ray and Miss Rami Das Chatterjee who appeared online at the time of hearing. They are directed to submit hazira and vakalatnama which shall be kept in record. Let the track record of due service of hearing notice of the Respondent be taken on record. The Complainants have submitted a Notarized Affidavit dated 27.02.2025, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 12.02.2025, which has been received by this Authority on 05.03.2025. Let the said Notarized Affidavit of the Complainants be taken on record. The Respondent did not submit any Written Response till date in non-compliance with the last order of the Authority dated 12.02.2025. Heard the Complainants in detail. The Learned Advocate of the Complainant stated that as because that there has been inordinate delay on the part of the Respondent/Promoter to deliver his flat as per Provisional Allotment letter dated 14-09-2016 for 3BHK apartment M/82/1302 in "Spriha" in the Shukhobristhi project -Phase7 on the basis of the Consent form executed by the Complainant to the Respondent on 18-07-2016 to participate in the draqw of lot . The Complainant now wants refund of the entire money which he paid to the Respondent as admitted along with accrued interest as per the Provision of the RERA Act. He also seeks compensation for this inordinate delay which he claims as severely affected his livelihood because five	

years which he invested for a flat would have been utilized elsewhere which could have helped in his livelihood thereby causing mental agony to the Complainant.

The Learned Advocate appearing on behalf of the Respondent admitted that they have received the Complaint's Affidavit as directed in the earlier Order No. 01 dated 12.02.2025 but could not comply with the direction issued by the Authority order copy of which was received by the Respondent and sought further time for submission of the same in the interest of natural justice. The Learned Advocate reasoned that due to miscommunication with the Respondent, his client the direction could not be complied with. Being asked to mention that if the Block in which the Complainant's flat is located have received the O.C., Partial C.C. or C.C., the Learned Advocate for the Respondent stated that she have to take instruction from her client.

Upon hearing both the parties and confirming from the Learned Advocate appearing on behalf of the Respondent whether they have aware of and noted the complain and the relief sought for by the Complainant, the Learned Advocate for the Respondent stated that the flats are ready and they are issuing possession Certificate in batches but she could not confirm whether the same complies to the Complainant and the related flat in question.

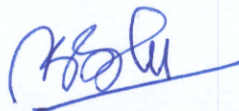
So after hearing both the parties it was stated that for the opportunities of natural justice applies to both the Complainant and the Respondent, here in the instant matter it was heavily rested with the Complainant for finding no other alternative to get possession of the flat for he has paid Rs. 25,52,128.00/- to the Respondent and even after inordinate delay he has to approach before this Authority for redressal of his complain and also as confirmed by the Learned Advocate for the Respondent during today's hearing that it was only miscommunication between her client and them for not submitting the Notarized Affidavit in opposition in due time to enable the Authority to take into consideration various documents which came up during the instant hearing for instant the Complainant state that he has submitted numerous mails to the Respondent for knowing about the due date of the delivery of his flat and his queries pertaining to the matter but they remained unanswered.

The Learned Advocate representing the Respondent disagreed that this particular contention as stated by the complainant that time and again the Respondent has not sent mails and other communication to the Complainant could not established as the Respondent is yet to submit Affidavit-in-Opposition.

Upon the prayer of the Respondent , **1 (one) week** time is granted to the Respondent upon receipt of the Order 2 of the instant hearing to file Affidavit in Opposition as directed in the earlier Order No. 1 dated 12.02.2025 before this Authority and to the Complainant both in hard copy and soft copy including copy of the Registration Certificate of erstwhile WBHIRA or WBRERA and all the extension certificate as applied, in From 'F' if available .The Authority would like to know from the Respondent why Section 63 of the RERA Act should not be invoked for failure to comply with the Order of the Authority dated 12.02.2025 in the instant matter.

Affidavit enclosing notarized or self-attested document after receipt of the Affidavit from the Respondent within 2 (two) weeks from the Respondent.

The next date of hearing is fixed after **6 (six) weeks** from this date.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority