

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

Complaint No.WBRERA/COM 000081 (physical)

Mr. Shiba Prasad Mukherjee Complainant

Vs.

Mr. Anand Kumar Chokhani & Mr. Tarak Chakraborty Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 14.07.2025	Complainant (mobile:- 9903118573 email:- spmukherjee13@yahoo.in) along with his Advocate Mr. Shibendu Giri (mobile:- 9123896196 email:- dasbhowmick23@gmail.com) is present in the physical hearing and signed the Attendance Sheet. Advocate Vedika Sureka (email:- vedika.sureka7@gmail.com) is present in today's hearing on behalf of the Respondent through online mode. Heard both the parties in detail. Respondent stated that as per Agreement for Sale dated 12.11.2020, the possession of the flat along with covered car parking space was handed over in favour of the Complainant including execution of Deed of Conveyance and the Complainant took possession of the said flat with complete due diligence and full satisfaction on 15.12.2020. The Respondent also handed over other flats of the Housing Complex to concerned Allottees and executed Deed of Conveyance from time to time. And ultimately Association of the Allottees namely "Tirupati Paradise Association of Apartment Owners" was registered on 01.08.2023, under the West Bengal Apartment Ownership Act and the Respondent handed over the control of all common areas and facilities, installations etc. to the Registered owners Association on 10th February 2024. The said Association also took possession of the maintenance and the other services including accounts in respect of such maintenance with full satisfaction. The Respondent also handed over a cheque amounting to Rs. 26,81,690/- against sinking fund and others lying with the Respondent and a cheque of Rs. 02,18,310/- towards up keepment of STP, WTP, Fire license etc. as per agreement with the said owners Association. Respondent also pointed out that the Complainant himself was a member in the Executive Committee of the said Apartment Owner's Association and he did	

not raise any question regarding the contents of the present complaint petition before the Executive Committee of the Apartment Owner's Association.

The Respondent also submitted that the Apartment Owner's Association of the said Housing Complex has also received the copy of revised sanction plan (in original) and all other relevant documents from the Respondent Company on 10.02.2024.

Hence, this present complaint petition is not maintainable under the Provisions of RERA Act and is liable to be dismissed.

The Complainant stated that all contents of his complaint petition are prior to handing over and taking over of all assets and liabilities by the Apartment Owner's Association and therefore, he prayed for intervention of the Authority in this matter.

After hearing both the parties, the Authority is of opinion that the Complainant has received the possession of his flat including car parking space as per Agreement for Sale within due timeframe and Association under Apartment Ownership Act has been formed and the said Association also took possession of common areas including maintenance and other services and accounts in respect of such maintenance with full satisfaction.

Therefore, the present complaint petition is not maintainable under the provision of RERA Act and is hereby dismissed.

Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority