

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

Complaint No.WBRERA/COM(Physical) 000294

Osman Mallick..... Complainant.

Vs.

Vikash Mussaddhi(BG Group)..... Respondent.

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 12.03.2026	<p>In view of the application filed by the Complainant dated 30-01-2026 herein praying for rectification of certain clerical and/or typographical errors, in Order No. 1 dated 19-11-2025 passed by this Authority in this matter, the Authority considered the same as apparent on the face of the record which does not extend to review or reconsideration on the merits of the case within the ambit of Section 39 of the Real Estate (Regulation and Development) Act, 2016.</p> <p>In view of the above, and in exercise of the powers conferred under Section 39 of the Real Estate (Regulation and Development) Act, 2016, the Authority hereby further orders as follows:</p> <p>The Complainant, Osman Mallick, represented by Pranab Chakraborty, Anandamay Snai, Gunja Singh & others who appeared physically at the time of hearing of the instant Application. They have submitted hazira cum authorization letter which should be kept in record.</p> <p>The Respondent, Vikash Mussaddhi (BG Group) represented by the Learned Advocate, Rituparna Chatterjee (Email ID : Rituchatterjee@gmail.com Phone No. 9674948429), who appeared online and she is requested to submit hazira and vakalatnama physically or online which should be kept in record.</p> <p>The hazira cum Authorization Letter is not in proper form as per Section 56 of the Real Estate (Regulation & Development) Act, 2016 but the representatives of the Complainant undertook to submit hazira and authorization letter henceforth as per provision of the Act and for the sake of natural justice and for speedy redressal of the instant matter the same should be accepted only for today's hearing. The same prayer is accepted.</p> <p>Let the Hazira cum Authorization letter be kept on record.</p> <p>The Representatives of the Complainant submitted that the Complainant purchased a flat in Bally Imperia. At the time of booking the flat the Respondent assured some facilities in the Brochure wherein it was mentioned that a) Space</p>	

for Showroom, Car Parking, Security Room, Toilet, Meter Room, Store & Entrance Lobby at Ground Floor and Space for 8 Offices, Indoor Game, Kids Play. GYM/YOGA, Change-Room, Prefunction Area & Community Hall at 1st Floor etc. shall be provided. b) as per Deed – agreement between Developer/Respondent and the Complainant, Respondent's responsibility was to hand over necessary documents e.g., C.C. and Plans, including common area along with other amenities.

After having possession, the Complainant finds so many anomalies like. a) Only 16 No. Parking space has been allotted for 4-wheeler but there is no clarity between sanctioned and distributed 2-wheeler parking space as well as MLCP Provision/idea. b) Rs.18/Sq.ft and applicable GST had been paid by each flat owner to the Respondent as Advance Maintenance charge as Security Deposit. c) Commercial office portion of ground floor and ½ portion of 1st Floor has been let out for jewellery making factory, d) Lot of wall-cracks, peel off, blistering etc. appear within 2 years of registration e) At 1st Floor, Hira Plan shows 9 commercials but brochures shows 8 offices. f) No. Physical existence of space for Indoor Game, kids play and GYM/Yoga is there but part of those amenities have been shifted to 7th floor occupying the Complainant's common Roof space, g) Full payment for those common amenities and its service space have been done, but the Complainant lost faith on the Respondent due to non-disclosure of each floor wise sanction plan, h) In spite of several times request, the Respondent is continuing non-cooperative supports to provide each floor wise sanctioned plan specially for existing building structure & design, i) Construction of 7th floor does not match with HIRA approved plan, the Builders has not provided the latest RERA approved Plan which is in line with latest construction, after repeated follow-up, j) Due lack of such clarity as well as implementation of MLCP facilities, the Complainant is always facing chaotic/mess-situation at parking space and its surrounding common areas, k) As per Deed of Agreement (within 5 years) the Respondent is liable to repair such defects and secure the safety matters of the Complainant, l) No intimation is shared by the Respondent till today that when O.C./C.C will be ready and will be handed over, m) In the Deed it has been mentioned that after obtaining the occupancy/completion certificate and handing over the possession to the all the flat owners the Respondent's responsibility to hand over necessary documents e.g. CC & Plan, including common area but that has not been done.

The relief sought for by the Complainant is a) handing over necessary documents, e.g. OC/CC & Plans, including common area, b) Legal confirmation regarding use of space for Brochure approved amenities, c) Correction in mismatch of DAG No. and Pin Code mentioned in Deed and HIRA plan, and for other relives.

The Complainant approached before the "Central Consumer Grievance Redressal Cell, Consumer Affairs Dept. Govt. of West Bengal and the said forum has directed to file the instant complaint before this Hon'ble Authority or the District Consumer Redressal Forum. The Complainant has filed the instant Complainant before this Authority.

After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order 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 and give the following directions: -

The Complainant is directed to submit his total submission regarding the Complaint Petition and the documents of the details of the case as filed by him in the Central Consumer Grievance Redressal Cell on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition as in Form 'M' and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **4 (four) weeks** from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested 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 soft copies, within **4 (four) weeks** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix after **10 (ten) weeks** for further hearing and order.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority