

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

Complaint No.WBRERA/COM(PHYSICAL)000150

Champak Bhattacharjee and Others..... Complainants

Vs

M/s. Shreeram Enterprise..... Respondent No. 1

Ashok Dutta ..... Respondent No. 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 12.11.2024	<p>Complainants Champak Bhattacharjee and Others (Mob. No. 8013918331/9433449475&amp; email Id: <a href="mailto:sabitabhattacharjee123@gmail.com">sabitabhattacharjee123@gmail.com</a>) are present in the physical hearing and signed the Attendance Sheet.</p> <p>Mr. Ashok Dutta, Sole Proprietor of the Respondent Company (Mob. No. 9836793830&amp; email id: <a href="mailto:shreeramenterprise24@gmail.com">shreeramenterprise24@gmail.com</a>) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainants the fact of the case:</p> <p>The instant application is being necessitated by reason of the fact that the Opposite Party No. 1 and 2 adopted a deceptive and unfair trade practice in dealing with the Complainants and deliberately failed and neglected to render necessary service despite repeated request and reminder failed and neglected to handover the owner's allocation as per offer letter dated 15/08/2015 in habitable condition as well as deliberately neglected to pay the rent amount since long and to stop hindrance in any manner, as a result these all aged ailing complainants at flag-end of their lives have to come before the Authority to protect their civil right to get the roof over the innocent Complainants so that they can pass their life with peace and hassle free way, as at this age they are also suffering from financial stringency due to recurring treatment of their ill health.</p> <p>The Complainants pray before the Authority for the following relief(s): -</p> <ol style="list-style-type: none"><li>That the Respondent No.1 and 2 be directed to hand over the possession of the Owners' Allocation as per offer letter dated 15.08.2015 totally in habitable condition.</li><li>To appoint one Engineer Commissioner who will assist the Complainants so that they can get the appropriate measurement of their allocation as per agreed term.</li></ol> <p>If it is followed that there are short fall of measurement in connection with owners' allocated portion, the Authority may direct the Respondent No.1 and 2 to pay the demurrage amount as per present market value.</p>	

The Respondent No. 1 & 2 be directed to act as per offer letter dated 15.08.2015.

- c. To pay the due rent which is due from July 2015 till today, as the Respondents-Developer neglected to pay the rent amount from the above-mentioned years till date.

**The Complainants pray before the Authority for the following Interim reliefs:-**

The Authority may be pleased to restrain the Respondents-Developer to sell out any portion of the property and/or preparing Agreement for sale to that effect until handing over the possession of the owners' allocation of the owners' allocated portion and also to restrain the Respondents-Developer to erect any kind of illegal construction or change in the nature and character of the property till disposal of this Complaint Petition.

After hearing the Complainant, 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: -

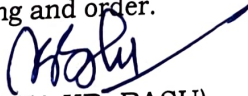
The Complainants are directed to submit their total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested copy of supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving 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 Respondents are hereby directed to submit their 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 Complainants either by post or by email whichever is earlier.

The Respondents are hereby further directed to mention in their affidavit specifically whether they have received the Completion Certificate (C.C) or not? If yes, they shall attach the copy of the CC with their Affidavit.

The Respondents are further directed to mention in their Affidavit specifically whether they have taken registration of the project under erstwhile WBHIRA / WBRERA. If yes, they shall state the registration number with date. If not, they shall mention the reason for not taking registration in their Affidavit.

Fix **25.02.2025** for further hearing and order.

  
(JAYANTA KR. BASU)  
Chairperson

West Bengal Real Estate Regulatory Authority

  
(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority