

Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park, Kolkata- 700 075

Complaint No.WBRERA/COM (Physical)000150

Champak Bhattacharjee and Others Complainant

Vs.

M/s. Shreeram Enterprise Respondent 1

Ashok Dutta Respondent 2

Sl. Number and date of order	Order and signature of the Officer	Note of action taken on order
Hearing 03 14.05.2025	Complainants are present in the hearing physically before the Authority and signed the Attendance sheet. Advocate Mr. Avijit Gope is also present on behalf of the Complainant in the hearing physically before the Authority filing Hazira and Vakalatnama. Advocate Sudipta Manna (Mobile - 9830432808 and email sudipta.manna4@gmail.com) is present on behalf of the Complainant in the hearing physically before the Authority filing Vakalatnama and signed the Attendance Sheet. Heard both parties in detail. Advocate of the Respondent challenged the maintainability of the Complaint before this Authority as with the same cause of action, by the same parties, a case is pending before the consumer forum bearing number 145 of 2023 and in this regard an order of engagement of an engineer commission has been passed by the said forum. But after hearing, the Authority is pleased to direct that this case is maintainable under the section 88 of the RERA Act and proceed for hearing. The advocate of the Complainant stated that an order of injunction has been issued by Additional District Judge (3rd) north 24 parganas, restraining to sell out the owner's allocated portion of the flat, but the Respondent is violating the order. And he prayed for taking necessary	

steps/penal action against the developer for violating the said order. He also prayed before the Authority for immediate possession of the allocated portions of flats as per terms and conditions of the development agreement including reimbursement of monthly rent already paid by the Complainant as per condition of the development agreement.

Respondent submitted that allocated portion of the Complainants are ready for taking possession but the Complainants are not taking the same inspite of repeated reminder by the Respondent company.

After hearing both the parties the Authority is hereby pleased to give the following directions:-

- A. As an injunction order has already been issued by the Additional District Judge (3rd), the Authority is of the opinion that no separate injunction order is necessary against the said property. The Complainant may approach before the appropriate court of law for violation of the injunction order, if any, as alleged.
- B. Respondent shall submit a notarized Affidavit mentioning the details of the allocated flats of the Complainant within **15 (fifteen) days** with a copy to the Complainant and after receiving the Affidavit of the Respondent, Complainant will inspect the position of the flat physically and take possession, if the said flats are ready as per terms and condition of the development agreement. The Respondent shall extend all necessary cooperation for physical examination of the flat by the Complainant.

Fix **07.08.2025** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority