

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

Complaint No. WBRERA/COM (Physical) 000327

Dr. Indrajit Chatterjee and others ..... Complainant

Vs

M/S Shiv Niketan Limited ..... Respondent No.1

Kaushal Kumar Jha ..... Respondent No.

| Sl. Number and date of order | Order and signature of the Authority   | Note of action taken on order |
|------------------------------|--|-------------------------------|
| 01<br>06.05.2026             | <p>Complainants Dr. Indrajit Chatterjee, Dr. Soumyasiddha Chakrabarty Anupam Chakrabarty are present in the hearing through online mode along with Complainants Abhishek Ghosh and Subhashis Chakrabarty being the Joint Allottee of the Complainant Debjani Chakravorty, who are present in the hearing physically and signed the attendance sheet.</p> <p>Respondent is absent in the hearing, without any prior intimation.</p> <p>Heard the Complainants in detail.</p> <p>The Complainant submitted that they have all purchased bungalows in the Project "Gems Bougainvillas" of the Respondent. They alleged that despite repeated follow-ups over the past months, the Developer has not registered phase-3 with WBRERA citing a so-called completion certificate from the municipal corporation and claiming that WBRERA Registration is no longer required since the completion date has lapsed on December, 2024. The project remains visibly incomplete and unfit for occupation/ habitation. Though phases 1 and 2 were registered with WBRERA and stipulated handover date was December, 2024, the Respondent is now pressing buyers to complete property Registration without fulfilling basic amenities, such as internal roads, water supply infrastructure , security setup, club house, swimming pool etc. The Respondent continues to issue payment demands via email without completing the task as per scope of work or providing legally required certificates such as the occupancy or completion certificate. No escrow account seems to be maintained for the project, phases. Payments have been collected under different entity names (e.g. Charles Commercial Private Limited, which further counts the accountability trail). Over 85% payment have been collected on all three phases but handover is nowhere in sight.</p> <p><u>The Complainant prayed for the following reliefs:-</u></p> <p>a) Mandate the Registration of phse-3 under WBRERA without delay<br/>b) To investigate the validity of the claimed completion certificate if any<br/>c) To instruct the developer to stop any fresh launches (e.g. phases-7,8,9)</p> |                               |

until existing commitments for phases-1,2 and 3 are made.

- d) Mandate a timeline with penalties to ensure financial scrutiny of collections from buyers accrues the different entity names.
- e) To provide compensation and penalty frame work for delayed possession and mental harassment caused.

The Complainant also prayed for interim order, for payment of penalty money including arrears w.e.f 01.01.2025 till possession of dueling units by the Respondents and implementation of escrow accounts.

After hearing the Complainant, the Authority is pleased to give the following directions: -

The Complainants shall submit Notarized Affidavit in support of their complaint petition annexing therewith notary attested/self-attested supporting documents and a signed copy of the Complaint Petition and also submit regarding their eligibility to file this complaint petition as per provision of Section 31 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 **21 (twenty-one)** days from the date of receipt of this order of the Authority by email.

Complainant is also directed to submit an affidavit of service on the next date of hearing before the Authority.

The Respondent is 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 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 **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **after 8(eight) weeks** for further hearing and order.



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority