

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)000067

Subhajit Sen..... Complainant

Vs

Dhoot Realtors Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 17.01.2025	<p>Complainant alongwith his Advocate Mr. Samit Basu (Mobile - 9231681723 and email - <a href="mailto:advsamit@gmail.com">advsamit@gmail.com</a>) is present in the physical hearing on behalf of the Complainant filing vakaltnama and signed the Attendance Sheet.</p> <p>Advocate Mr. Sarosij Dasgupta (Mob. No. 9831058622&amp; Email Id- <a href="mailto:vikramjit@gilodia.net">vikramjit@gilodia.net</a>) is present in the physical hearing on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>Complainant submitted Notarized Affidavit dated 12.04.2024, containing his total submission regarding this Complaint Petition, as per the last order of the Authority dated 19.03.2024, which has been received by this Authority on 16.04.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>Respondent submitted Written Response Notarized Affidavit dated 20.05.2024, as per the last order of the Authority dated 19.03.2024, which has been received by this Authority on 22.05.2024.</p> <p>Heard both the parties in detail.</p> <p>Respondent stated that all the points / claims made by the Complainant in his Complaint Petition and Affidavit are not maintainable as per section 14(3) of the RERA Act, 2016, as it provides that the Respondent-Promoter is under the obligation to rectify the defects / make compensation, any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the Promoter as per the Agreement for Sale, if it is brought to the notice of the Promoter within a period of 5 years from the date of handing over of</p>	


possession. He stated that only few claims, as made by the Complainant, are maintainable and within the jurisdiction of this Authority as per section 14(3) of the RERA Act, 2016.

The Authority is of the considered opinion that the Complaint is maintainable before this Authority and it is to be adjudged by this Authority that which claims of the Complainant are maintainable and which are not, as per the provisions of RERA Act, 2016 and Rules and Regulations made thereunder, after hearing both the parties thoroughly and taking into consideration the Affidavits and documents placed on record.

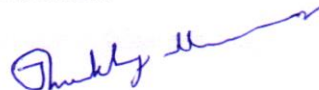
After hearing both the parties, and going through the documents and Affidavits placed before it, the Authority is hereby pleased to give the following orders:-

- a) Respondent is at liberty to submit a **Supplementary Notarized Affidavit** containing the latest developments and subsequent events, if any, regarding this matter, serving a copy of the same to the Complainant, within **15 days** from the date of receipt of this order of the Authority through email; and
- b) Complainant is at liberty to submit a comprehensive **Rejoinder / Reply** on Notarized Affidavit against the Written Response and Supplementary Affidavit of the Respondent, serving a copy of the same to the Respondent, within **15 days** from the date of receipt of supplementary Affidavit of the Respondent.

Fix **09.04.2025** for further hearing and order.

  
(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority