

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/COM000453

Pradip Mazumdar ..... Complainant

Vs.

Bablu Karmakar..... Respondent No. 1

M/s B.K. Enterprise..... Respondent No. 2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 09.11.2023	<p>Complainant (Mob. No. 9330917419), is present in the physical hearing today and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing today despite due service of hearing notice through speed post and also by email.</p> <p>Let the track record of due service of the hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, the Respondent Builder cum promoter developer Mr. Bablu Karmakar sold the Complainant a 2 BHK flat in the year 2022. Though the flat was made ready, but the common amenities were not completed by the Respondent. On his verbal assurance to complete those due works soon, the Complainant had entered into the flat to reside. But since then and till now, even after repeated requests, he is not completing the pending works. Rather he is more interested to lengthen the hand over process as much as possible, as he is earning money by means of collecting maintenance charges and undue electricity charges from the residents. Basic amenities like lift in all blocks, electrical mother meter connection, water treatment plant, power back up services etc. are not provided as on this date.</p> <p>Rather the Respondent and his team ruling over the premises, allowing stranger persons to reside on the building terrace and consuming alcohol, which poses a serious threat for the residents especially for women and children.</p> <p>Being a Non-RERA registered company or firm, he is absolutely adamant and enjoying complete lawless administrative control over the society.</p> <p>The Complainant strongly urges to make him compelled to immediately complete the entire due or pending works as follows:-</p> <ol style="list-style-type: none"><li>1. Installation of lift in Block -A and C of Phase -2 and make them 'Open</li></ol>	

for Service’.

2. Electrical Mother meter connection to Phase-2.
3. DG/Power Back-up service.
4. Common approach Road and Secured Entrance Gate.
5. Continuous Boundary wall around the complex to ensure proper security.
6. Community hall.
7. Car parking / Garage allotment to the Phase-2 residents.
8. 24-hrs. Security Service.
9. Handing over of all AMC papers such as for lifts, DG set, CCTV etc.
10. Installation / proper service of water treatment plant
11. Handing over of Completion Certificates.
12. Handing over of entire complex to the Flat Owner’s Association.

**The Complainant prays before the Authority for the following reliefs:-**

1. Handing over or completion of the due works or amenities as mentioned above under (1) to (12) by the Respondent Builder-cum-promoter /developer Mr. Bablu Karmakar, C/o- M/s. B.K. Enterprise in a time bound manner as the Authority consider fit and proper, and thereafter, peacefully leave the administrative control to the Flat Owners’ Association and until and unless such action be ensured by appropriate law-enforcing authority, the Complainant will suffer irreparable loss and injury, mental agony and pain which is accruing day by day; and
2. That, all the problems narrated hereinabove are common for all the residents those who are residing in Keshab Dham complex, but the Complainant is not representing all the residents in order to avoid any legal or formal litigations arising out therefrom. But if any resident(s) from Keshab Dham Phase 1 or Phase 2 make similar application to this effect by this time, those may kindly be treated as our Joint application and accordingly mediation trial / tripartite agreement may jointly be executed.
3. The Complainant also prays for an interim order enforcing ‘stay’ on any action of the Respondent Builder Mr. Bablu Karmakar, the sole proprietor of M/S- B. K. Enterprise, with regard to further extension of Keshab Dham and encroachment of any nearby land into the closed premises of Keshab Dham complex by breaking the boundary wall or by any means, until the instant dispute is settled by this Authority.

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions of 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:-

Here the Complainant failed to include the name of M/s B.K. Enterprise as one of the Respondent but his whole Complaint is against M/s B.K.

Enterprise and Mr. Bablu Karmakar. Therefore this Authority is of the considered opinion to include the said Promoter Company as one of the Respondent.

Let '**M/s B.K. Enterprise**' be included as Respondent no. 2 and '**Mr. Bablu Karmakar**' shall be Respondent no. 1 henceforth in the present matter.

The Complainant is directed to submit her total submission regarding her 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 original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 10 (Ten) days from today.

The Respondent is hereby directed to submit his 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 original affidavit to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 10 (Ten) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix 07.12.2023 for further hearing and order.

Sd/-  
(SANDIPAN MUKHERJEE)  
Chairperson  
West Bengal Real Estate Regulatory Authority

Sd/-  
(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority

Sd/-  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority

**Certified to be True Copy**

*date*  
9.11.2023

**Special Law Officer**  
West Bengal Real Estate Regulatory Authority