

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

Complaint No. WBRERA/COM000698-CP

Sayan Lahiri..... Complainant.

Vs.

Ashiana Construction. Respondent.

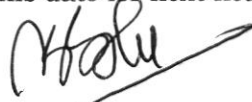
Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 08.05.2025	The Complainant, Sayan Lahiri appeared online by filing hazira which should be kept in record. The Respondent, Ashiana Construction is represented by the Legal Representatives Soumalya Dutta and Argha Mukherjee who appeared online but did not file hazira or Authorization Letter. Let the track record of due service of hearing notice of the Respondent be taken on record. The Complainant has submitted a Notarized Affidavit dated 24.02.2025, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 28.01.2025 which has been received by this Authority on 27.02.2025. Let the said Notarized Affidavit of the Complainant be taken on record. The Respondent has submitted a Notarized Written Response dated 13.03.2025, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 28.01.2025 which has been received by this Authority on 25.03.2025. Let the said Notarized Affidavit of the Respondent be taken on record. The Complainant purchased two flats and the possession letters of the flat were given to the Complainant on 28/03/2024 but the possession of the said flats were supposed to be given by 31/12/2022 so there has been a delay in delivery for which the Complainant wants compensation. The Complainant was compelled to reside in a rental flat so he wants the rental amount and also compensation for trouble. The Respondent denied by stating that although the possession of the flat was given but the Complainant is not residing there. The delivery of the Flat was delay due to Covid. The Complainant stated that the project is not completed and the amenities has not made ready. The Deed of	

Conveyance has been signed but the construction is still going on and the project is not complete. The Learned Advocate appearing on behalf of the Respondent stated that they have applied for C.C. and for technical fault the C.C. has been not yet been received. The Registration of the project under WBHIRA is not in force and the Respondent has not taken any step in this regard for correction. The complainant stated that he has communicated more then ten times but no response has been given from the Respondent. The Learned Advocate for the Respondent stated that the construction issue was rectified by the Respondent.

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

- a) The Respondent is hereby directed to show cause as to why Section 61 and Section 63 should not invoked as the Registration under WBHIRA has been exhausted long ago as stated and the penalty should not be imposed against the Respondent, by a Notarized Affidavit within **10 (ten) days** from the date of receipt of the instant order enclosing the photos of the present status of the flats of the complainant; and
- b) The Respondent is hereby further directed to respond to the complainant's demand for compensation for delayed delivery of the flats.
- c) The Complainant is also directed to submit an Affidavit of Service to the Authority enclosing the photos of the present status of the flats of the complainant as stated by him before the next date of hearing.
- d) The Complainant is advised to file before the Adjudicating Authority in form **N** for redressal of his grievances for his mental agony as stated by him for seeking compensation.

Fix **4(four) weeks** from this date for next hearing and order.



(JAYANTA KR. BASU)
Chairperson

West Bengal Real Estate Regulatory Authority