

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)000208

Sri Rakesh Kumar Agarwal..... Complainant

Vs.

Arch Infra Properties Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Officer	Note of action taken on order
04 07.04.2026	<p>Advocate Basudeb Patra is present in physical hearing on behalf of the Complainant today by signing the attendance sheet.</p> <p>Advocate Dhruvabrata Basu (mobile no:- 9831209569 and email id:- <a href="mailto:dhruvabratabasu@gmail.com">dhruvabratabasu@gmail.com</a>) is present in today's hearing on behalf of the Respondent physically and signed the attendance sheet.</p> <p>As directed in the Authority order dated 05.12.2025, Complainant submitted copy of enclosures mentioned in Form-M, which has been received on by this Authority on 16.12.2025.</p> <p>Complainant submitted that they have also sent the copy of the same to the Respondent.</p> <p>Heard both the parties in detail.</p> <p>Respondent raised the point of maintainability of the instant complaint matter in their argument stating that the instant complaint is not maintainable before this authority as the Complainant has earlier moved before the Hon'ble High Court through a petition, which has been disposed of by the Hon'ble high Court giving direction upon the Bidhannagar Municipal Corporation to enquire and dispose of the petition, which is having the self same matter as filed by the Complainant before this Authority. The Respondent was asked to clarify whether the complaint regarding delay in handing over possession and failure on the part of the Respondent to provide common area facilities as per terms and conditions of the Agreement for Sale is barred due to undergoing proceedings at Bidhannagar Municipal Corporation although there is specific statute mandated in the provision of Real Estate (Regulation and Development) Act, 2016. But the Respondent could not give any justified explanation in this matter.</p> <p>Now after hearing the points raised by the Respondent the Authority has</p>	

come into a conclusion that this Authority is bound by the responsibility as mandated in this Act to adjudicate the instant complaint as per provisions of this Act.

If the modification or the related deviation infringe about any particular section where it is been stated that modification is been allowed to be undertaken by the Promoter subject to approval of two-third number of the Allottee homebuyers and also subject to the same keeping informed to the Authority and seeking of modification order regarding any deviation of the plan.

So far as the delay in possession the Respondent could not place any cogent point to suggest that it cannot be heard by this Authority.

So far as the common area is concerned any dispute regarding the same that needs to be adjudicated under Section 2(n) and also Section 11, further read with Section 4 of Real Estate (Regulation and Development) Act, 2016. So, this Authority thinks that the instant matter is maintainable as per provision of Act and as such the Authority intends to continue with the hearing of the instant matter.

Due to time constraint today's hearing has been partially heard. The Complainant prayed for submitting argument regarding his complaint matter and the Respondent also prayed to show some judgment of Hon'ble Supreme Court. Both the parties were directed to submit notes of argument along with copy of relevant documents, judgments, if any, within **14(fourteen) days** from the date of receiving this order of the Authority through email.

Fix after **4(four) weeks** for further hearing and order.

(JAYANTA KR. BASU)

Chairperson  
West Bengal Real Estate Regulatory Authority

(TAPAS MUKHOPADHYAY)

Member  
West Bengal Real Estate Regulatory Authority