

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

Complaint No. WBRERA/COM000779

Biswajit Majumder and Mahua Majumder..... Complainants

Vs

Siddha Waterfront LLP..... Respondent No.1

Sanjay Jain.....Respondent No.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order																																							
01 <u>12.03.2024</u>	<p>Complainant Biswajit Majumder is present in the physical hearing and signed the Attendance Sheet.</p> <p>Chartered Accountant Gopal Krishna Lodha is present in the physical hearing on behalf of the Respondent filing authorization and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainants, they have booked a flat / unit in the Project named 'Siddha Waterfront' of the Respondent Promoter. The details of the same are given herein below:-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">1</td> <td>Complain No</td> <td>WBRERACOM/000779</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Name of Complainant</td> <td>Biswajit Majumder and Mahua Majumder</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Project Name</td> <td>Siddha Waterfront</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Promoter's Name</td> <td>Siddha Waterfront LLP (Siddha Groups)</td> </tr> <tr> <td style="text-align: center;">5</td> <td>Flat No</td> <td>LAV-403</td> </tr> <tr> <td style="text-align: center;">6</td> <td>Tower No & Name</td> <td>2A – Lavender Block</td> </tr> <tr> <td style="text-align: center;">7</td> <td>Block No & Name</td> <td>1B – Lavender Block</td> </tr> <tr> <td style="text-align: center;">8</td> <td>Floor No</td> <td>4th Floor</td> </tr> <tr> <td style="text-align: center;">9</td> <td>Total Cost</td> <td>Rs. 27,39,000/- (Excluding Registration fee Rs. 1,45,980/-)</td> </tr> <tr> <td style="text-align: center;">10</td> <td>Total Payment till date</td> <td>Full Payment</td> </tr> <tr> <td style="text-align: center;">11</td> <td>Date of Fit out</td> <td>23.04.2019</td> </tr> <tr> <td style="text-align: center;">12</td> <td>Delivery of Possession</td> <td>23.03.2021</td> </tr> <tr> <td style="text-align: center;">13</td> <td>Date of conveyance Registration</td> <td>28.06.2019</td> </tr> </table>	1	Complain No	WBRERACOM/000779	2	Name of Complainant	Biswajit Majumder and Mahua Majumder	3	Project Name	Siddha Waterfront	4	Promoter's Name	Siddha Waterfront LLP (Siddha Groups)	5	Flat No	LAV-403	6	Tower No & Name	2A – Lavender Block	7	Block No & Name	1B – Lavender Block	8	Floor No	4 th Floor	9	Total Cost	Rs. 27,39,000/- (Excluding Registration fee Rs. 1,45,980/-)	10	Total Payment till date	Full Payment	11	Date of Fit out	23.04.2019	12	Delivery of Possession	23.03.2021	13	Date of conveyance Registration	28.06.2019	
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In this Complaint Petition the Complainants pray before the Authority for the following relief(s):-

- (a) Pass an order by directing the respondent to return the extra amount taken for exaggerated super buildup area of 22.9 sq. ft. along with applicable interest rate.
- (b) Pass an order by directing the respondent to redress their grievances by repairing the seepage in kitchen tiles, Change the inferior tiles and repair the AC drainage systems resulting in mental agony.
- (c) Pass an order by directing the respondent to deliver car parking space as per the deed of conveyance. Also interest on car parking amount levied from their w.e.f date of execution of deed of conveyance upto delivery of physical possession of car parking space. Apart from these the respondent be directed to compensate for delaying in possession of car parking space.
- (d) Pass an order by directing the respondent to urgently rectify and repair the cracks of rooftop ceiling of the Block/Building Nos 2A, namely LAVENDER block. Also direct the respondent to repair as soon as possible by replacing or by repairing the water filtration plant to cope up with sedimentation and contamination issues of water.
- (e) Pass an order by directing the respondent to form the Association of Apartment's owners (phase-wise) at the earliest.
- (f) Pass an order by directing the respondent to hand over the amenities as ensured in the brochure of the project by completing it in all means at the earliest.
- (g) Pass an order by directing the respondent to bar the other parties who have no interest in the complex and common utilities etc. to use and enjoy the same.
- (h) Pass such other order/orders or interim order/orders as may be deemed fit and proper in the facts and circumstances of the case.

After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in 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:-

Let the name of **Mrs. Mahua Majumder** be included as a Joint Complainant as she is joint Allottee and therefore a necessary party and henceforth in all the records and communications of this matter, her name shall be recorded as a Complainant.

Let the name of **Siddha Waterfront LLP** be included as Respondent no.1 as it is the Promoter Company of the subject matter project and therefore a necessary party and Mr. Sanjay Jain, Director of the said Promoter Company be

referred as Respondent no.2 and henceforth in all the records and communications of this matter, these corrections shall be reflected..

The Complainants are directed to submit their total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition 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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

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 Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is further directed to complete the remaining works of the instant project and send a **Report on notarized Affidavit** in this regard to the Authority, serving a copy of the same to the Complainant, before the next date of hearing.

Fix **04.06.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority