

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

Complaint No. WBRERA/COM000212

Mita Sinha and Aparesh Sinha..... Complainants

Vs.

Bengal Greenfield Housing Development Company Limited..... Respondent no.1

West Bengal Housing Board..... Respondent no.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 21.11.2023	<p>Shri Aparesh Sinha, husband of the Complainant and Joint Allottee is present in the online hearing. He is directed to send his hazira and authorization through email.</p> <p>Smt. Sanjukta Nag (Mob.No.9883089001 & email Id-sanjukta@greenfieldrealestates.com) is present in the online hearing on behalf of the Respondent no. 1 filing hazira and authorization through email.</p> <p>Shri Kishore Mukherjee (Mob.No.9830064304 & email Id-kishoremukherjee59@gmail.com) is present in the online hearing on behalf of the Respondent no. 2 filing hazira and authorization through email.</p> <p>Shri Sinha stated that he is husband of the Complainant as well as joint allottee in the present matter and requested to include his name as a Joint Complainant in the present matter.</p> <p>Considered and granted the prayer of Shri Sinha, husband of the Complainant.</p> <p>Heard all the parties in detail.</p> <p>The Complainant stated as follows:-</p> <ol style="list-style-type: none">1. Two sets of Deed of Conveyance have been made by the Vendor and Developer for HIG flats. There are differences in Schedule 'C' of these two sets of Deed but price are same.2. Existing car parking spaces does not tally with the sanctioned Master	

Plan.

3. E vehicle charging points are connected with main meter and there is no provision of sub meter.
4. Due to wrong design and layout of water supply lines on roof top the water supplied to the flats becomes very hot and cannot be used by the residents between 9:00 am to 6:00 pm during summer.
5. The developer got approval of construction of additional floors from Rajarhat Panchayet Samity after getting Gold Certification from IGBC. But after 3 years of occupancy the Solar Panel has not fixed properly and Solar Power Supply has not been started.
6. In the Deed developer did not mentioned about the status of underground basement under the HIG Buildings. It should be in HIG Common area.
7. The Vendor and Developer are trying to form a Single Association for different category of flats of different income group owners. Where as in the West Bengal Apartment Ownership Act (Amendment), 2019, dated 6th December, 2019 there is a clear provision under 'clause 2hh' for Multiple association for different categories and one Federation comprising of Multiple associations.
8. There are some pending works.
9. The Vendor and Developer did not provide the Audited Accounts of Maintenance Fund. The rate of maintenance charges they took for initial two years are different for LIG, MIG and HIG. But they did not mention the reason with break-up.
10. The developer has claimed GST on the maintenance deposit which has been paid to developer two years ago. No any clause for further payment of GST has been mentioned of informed to the residents earlier.

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

1. Rectification of Deed as per the Deed prepared at the initial stage of registration of HIG flats, HIG common area should include the club house, underground basement, children park, central park surrounding the HIG buildings and he park near Gate No. 4.
2. Car parking facility must be as per sanctioned Master Plan.
3. Proper arrangement for EV charging facility should be provided in consultation with TATA Motors or equivalent so that EV owners can

easily pay the electric bill charges for his individual vehicles.

4. Appropriate permanent arrangements should be provided so that water remains in normal temperature.
5. Solar panel should be installed properly, proper connection should be made with the circuit.
6. Underground basement should be included in HIG common area.
7. As per rule multiple Association under One Federation should be formed.
8. All pending works should be completed immediately.
9. Audited accounts of maintenance fund should be provided.
10. GST should be paid by the developer.
11. Proportionate land share by LIG, MIG and HIG should be certified.
12. MIG and LIG owners got their flat in subsidized rate. Complainants want to know from which fund those subsidies have been given.

After hearing the Complainant, 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 Shri **Apresh Sinha** be included as Joint Complainant in the present matter because he is the Joint Allottee alongwith the Complainant Smt. Mita Sinha in the present matter and henceforth in all the records of this matter his name shall be included as a Joint Complainant.

The Complainant is directed to submit his total submission regarding his 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 **15 (fifteen) days** from the date of receipt of this order of the Authority through 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 original affidavit 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.

Fix **18.01.2024** for further hearing and order. The hearing shall done physically on the next date of hearing at the office of WBRERA.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority