

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

Complaint No. WBRERA/COM000450

Shyamal Sarkar Complainant

Vs.

Foresight Construction Private Limited, (Ganguly Group).....Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 13.05.2024	<p>Advocate Mr. Dipankar Aditya alongwith Tina Biswas are present in the online hearing on behalf of the Complainant (Mob. No.9830480161 & email Id: advdipankaraditya@gmail.com) filling hazira and vakalatnama through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also through email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complaint Petition , the facts of the case is :-</p> <ol style="list-style-type: none">1. That in the year 2012,the Respondent approached the Complainant to enter into an Agreement for Development of a project named as '4sight Grand Castle' though factually it was an Agreement for Sale of a flat in the premises comprising in R.S. Khatian No. 556, Khanda Khatian No. 1795, R.S. Dag No. 1556, Mouza Barhans Fartabed, J.L. No. 47, P.S. Sonarpur, Garia Main Road (Mahamayatala) Ward No. 30 of Rajpur Sonarpur Municipality within District - 24 Pgs (South).2. It further agreed in the agreement dated 11.12.2012, that a complete self-contained flat measuring an area about 1250 Sq.ft. alongwith a car parking space will be sold in adjustment with the cost of the aforesaid land measuring an area of 1 (one) kattah 04 Chattaks 38 Sq.ft. with a one storied building measuring an covered area of 300 sq.ft. This land is situated at 50 Barhans Garia Main Road, Mahamayatala, Kolkata - 700 084.	

3. That the Respondent erected phase wise I, II, III, IV & V with seven to eight tower, each tower having up to 16th floor and above and began to sale the property with due advertisement in market and publicity in website.
4. That at the time of entering Agreement it was clearly stated that the flat with car parking space will be allotted in adjustment of the price of the land with structure as stated in the Development Agreement.
5. That in the said agreement it was agreed by the Respondent/ Opposite Party that "Time is the essence" of the agreement and the complete flat will be handed over once the sale of the flat begins and it is specific statement of the complaint that already considerable number of flats had already been sold.
6. That the cost of the land alongwith structure is Rs.29,72,001/-and for further development the price of said structure be more than Rs.50,00,000/-. As without the aforesaid land the project have no entry or exit point.
7. That the website for '**4sight Grand Castle**', Kolkata of the Respondent party is updating their website and inviting purchasers for their Phase V till date.

The Complainant prays before the Authority for the following relief(s):

- a) To admit the complaint and be pleased to issue notice by showing cause to the Opposite Parties as to why the prayer of the complainants shall not be allowed.
- b) To direct the Respondent to immediately handover the flat measuring about 1250 Sq.ft. alongwith car parking space of the project '**4Sight, Grand Castle**' at 50 Barhans Garia Main Road, Mahamayatala, Kolkata - 700 084 immediately as the complaint have no other residential accommodation.
- c) To pass any further order or orders, direction or directions as your honour may deem fit and proper.

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

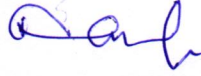
the following directions:-

The Complainant is directed to submit his 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 **21 (twenty-one)** 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 **21 (twenty-one)** s 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 specifically state in his Affidavit that whether the project named '**4sight Grand Castle**' is registered under erstwhile WBHIRA/WBRERA and if registered, he shall mention the Registration Number with date. If not, the Respondent shall state in his affidavit reasons for non-registration of the said project with erstwhile WBHIRA/WBRERA.

Fix **11.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority