

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

Complaint No. WBRERA/COM000544

Shankar Dayal Singh. Complainants

Vs

Sugam Diamond Abasan LLP..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 13.05.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Mr. S. Banerjee is present in the online hearing alongwith his junior Ms. Rituparna Chatterjee (Mob. No. 9674948429 & email Id-rituchatterjee0@gmail.com) on behalf of the Respondent filing vakalatnama and hazira through email.</p> <p>Heard both the parties in detail.</p> <p>The facts of the case is:</p> <ol style="list-style-type: none">1. The Complainant had booked a flat being No. 19A of A3 (pent house) at housing complex 'Morya' of the Respondent Company situated at 88, Basanta Lal Saha Road, Kolkata - 700 053, measuring about 2276 sq.ft. with car parking for a consideration amount of Rs.1,82,12,753/- only.2. Stipulated time as agreed in the agreement has expired but no possession has not yet been handed over to the Complainant.3. Still the construction work in the said flat is pending and even agreed terms and condition of said flat has not been followed.4. Common pipeline was established without any precaution and safety of the building which passes through his proposed flat area and may cause damages to his property. His privacy right is being violated because on the south side they purposely installed it the south side which was supposed to be open but purposely installed several pipelines in his portion causing his several problems.5. The construction work of the said building was not properly done as per catalogue and video which has been shown to me at the time of booking.6. Also the agreement was made for installing iron grills but instead of that glass panels are installed which is blocking the flow of fresh air inside his house. <p>The Complainant prays before the Authority for the following reliefs:-</p>	

1. The Complainant should be provided with open terrace facility as he bought along with all agreed facilities.
2. The pipeline should be installed without causing any inconvenience or damages to the property of the Complainant.
3. All the pending work, defect and deficiency in respect of flat in question should be complied with as addressed herein before.
4. The promoter or the authorized representative should be directed to receive the hand over the possession of the said flat to the Complainant and register the same in his favour.
5. To provide him the completion certificate.
6. The promoter should be charged and penalized for willful violation of terms and conditions as stipulated in the agreement for sale.
7. If any damages in his favour.

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:-

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 **30 (thirty)** 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 **30 (thirty)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

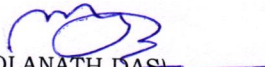
Fix **23.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority