

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/COM000702

Angshuman Bhattacharya..... Complainant

Vs

Merlin Projects Limited..... Respondent no.1

Saket Mohta..... Respondent no.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
04 09.08.2024	<p>Complainant absent in the physical hearing today despite due service of hearing notice through email.</p> <p>Let the track record of due service of hearing notice through email to the Complainant be kept on record.</p> <p>Advocate Jishnu Chowdhury, Smt. Deepa Das, Smt. Samanya Sengupta and Smt. Sayani Panja (in-house Architect of Respondent Company) being Authorized Representatives of the Respondent Company, are present in the physical hearing today on behalf of the Respondent, filing hazira and vakalatnama, as the case may be, and signed the Attendance Sheet.</p> <p>Complainant submitted hard copy of his Notarized Affidavit dated 28.06.2024, which has been received by this Authority on 02.07.2024.</p> <p>Let the said Affidavit of the Complainant dated 28.06.2024 be taken on record, the scan copy of the said Affidavit sent through email has already been taken on record in the last order dated 02.07.2024.</p> <p>Respondent submitted a Notarized Affidavit dated 24.07.2024, mentioning the documents and plans which they have submitted alongwith the Application for Revision of the Sanctioned Plan on 19.06.2017, as per the last order of the Authority dated 02.07.2024, which has been received by this Authority on 24.07.2024.</p> <p>Let the said Affidavit of the Respondent dated 24.07.2024 be taken on</p>	

record.

Complainant submitted Written Notes of Arguments/Concluding Statement on Notarized Affidavit dated 05.07.2024, which has been received by this Authority on 05.07.2024.

Let the said Written Notes of Arguments of the Complainant be taken on record.

Respondent submitted Written Notes of Arguments on Notarized Affidavit dated 24.07.2024, which has been received by this Authority on 24.07.2024.

Let the said Written Notes of Arguments be taken on record.

Heard the Respondent in detail.

The Respondent submitted a Supplementary Affidavit dated 31.07.2024 at the time of hearing today and Advocate of the Respondent stated that in their last Affidavit dated 24.07.2024, they have enclosed plans dated 19.09.2018 which was done by bonafide mistake on their part as the Junior Advocate who has prepared the Annexure do not have the knowledge of where the date of the plan is usually recorded.

At the time of preparing the Written Notes of Arguments, it has come to the notice of the Respondent that the abovementioned mistake has been done and so the Advocate of the Respondent prayed before the Authority at the time of hearing today for necessary rectification of the said mistake by submitting a Supplementary Affidavit dated 31.07.2024 in which they have enclosed plans dated 20.05.2017 which were actually submitted alongwith their Application for Revision of Sanctioned Plan before the KMC on 19.06.2017.

The Respondent also prayed for unconditional apology in this regard for this mistake.

Considered and the Respondent is hereby permitted to submit Supplementary Affidavit in this regard.


Let the Supplementary Affidavit of the Respondent dated 31.07.2024 be taken on record and the earlier Affidavit dated 24.07.2024 be removed from the records of this case.

After hearing the Respondent in detail and after examination of the Affidavits and documents placed on record by both the parties, the Authority is

hereby pleased to give the following directions:-

- a) The Commissioner, Kolkata Municipal Corporation (KMC) is hereby directed to arrange for submission of a detailed **Report** stating the details of the Application for Revision of Plans submitted by the **Merlin Projects Limited** vide their letter, on 19.06.2017 and regarding the fact of approval of the same by the KMC and send the same within **30 days** from the date of receipt of this order of the Authority through email as well as by post. A copy of the said letter is to be sent to KMC, alongwith this order; and
- b) The Respondent is hereby directed to send a copy of the Supplementary Affidavit dated 31.07.2024 to the Complainant, both in hard and scan copies, within **7 days** from the date of receipt of this order of the Authority through email; and
- c) Complainant is at liberty to file a Reply / Rejoinder against the said Supplementary Affidavit of the Respondent dated 31.07.2024 and send it to the Authority within **15 days** from the date of receipt of the said Affidavit from the Respondent, by post or by email, whichever is earlier.

The next date of hearing shall be notified in due course shortly.

  
(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority