

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

Complaint No. WBRERA/COM000621

Bandhu Sundar Saha and Beauti Saha..... Complainants

Vs

Naoolin Realcon Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 21.03.2024	<p>Complainant Bandhu Sundar Saha alongwith his Advocate Shri Ashok Karmakar (Mobile - 8583080566 and Email - advocateashok88@gmail.com) is present in the physical hearing filing hazira and vakalatnama, as the case may be, and signed the Attendance Sheet.</p> <p>Advocate of the Respondent Shri Soumik Das (Mobile - 9330070670, Email Id:-soumik.legal@gmail.com), is present in the physical hearing filing vakalatnama and signed the Attendance Sheet.</p> <p>The Complainants submitted a Notarized Affidavit dated 22.02.2024, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 08.02.2024, which has been received by this Authority on 22.02.2024.</p> <p>Let the said Notarized Affidavit of the Complainants be taken on record.</p> <p>Let Smt. Beauti Saha be included as Joint Complainant as she is Joint Allottee and a necessary party as she signed the Agreement for Sale alongwith another Complainant Shri Bandhu Sundar Saha and henceforth in all the records of this matter, her name shall be included as Joint Complainant.</p> <p>Heard both the parties in detail.</p>	

Respondent stated at the time of hearing that he will rectify the defect as pointed out by the Complainants in their Affidavit and he also stated that he will take all necessary steps for Formation of Association in the said project.

After hearing both the parties, and after examination of Affidavits submitted by the parties and supporting documents submitted and placed on record, the Authority is of the considered view that the Respondent is liable to rectify the damage in the flat of the Complainants as pointed out by the Complainants in their Affidavit as per section 14(3) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as RERA Act, 2016) and Respondent Promoter is also liable to take all necessary steps immediately for Formation of Association as per section 11(3)(e) of the RERA Act, 2016 and handover undivided proportionate title in the common areas and other title documents pertaining thereto to the Association of the Allottees as per section 17(1) of the RERA Act, 2016.

Hence it is hereby,

ORDERED

- (a) That the Respondent Promoter shall rectify the defects as pointed out and agitated by the Complainants in their Complaint Petition as well as in their Affidavit, within **3 months** from the date of receipt of this order of the Authority through email; and
- (b) The Respondent Promoter shall endeavour to take all necessary steps for Formation of Association in the instant project as per section 11(3)(e) of the RERA Act, 2016, within 3 months from the date of receipt of this order through email; and
- (c) The Respondent shall handover the undivided proportionate title in the common areas and other title documents pertaining thereto to the Association of Allottees, as per section 17(1) of the RERA Act, 2016; and

(d) If the Respondent fails to comply the abovementioned directions of the Authority, then penalty might be imposed by the Authority as per section 38 read with section 61 of the RERA Act, 2016, if the Authority thinks fit to do so, on the next date of hearing.

The Authority shall review the matter on the next date of hearing.

Fix 09.07.2024 for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

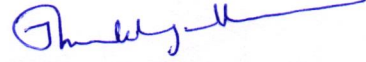
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority