

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

Complaint No.WBRERA/COM (PHYSICAL)000067

Subhajit Sen..... Complainant

Vs

Dhoot Realtors Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 19.03.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Mr.Sarosij Dasgupta (Mob. No. 9831058622& Email Id- vikramjit@gilodia.net) is present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant the facts of the case is that:-</p> <ol style="list-style-type: none">Northern and Eastern side boundary walls are not built at all.Sewerage Treatment Plant (STP) is not done as per standard specification and ultimately there is serious health hazards.Effluent waste water of the entire 376 flats is not treated as per declaration and pouring into the vast pond polluting the same and creating severe health hazard.Waste Disposal Treatment Plant has not been done as per declaration.CCTV surveillance has not covered the areas of the project as per declaration.No medical unit is done as per declaration.Kids' swimming pool is not done as per standard specification for safety measures and totally malfunctioning, creating health hazard also.	

	<p>h. No Audit Report of collection and expenditure of our maintenance fees of Rs.20.00 lakhs per month (approx).</p> <p>i. No treatment of storm and sullage water as per declaration.</p> <p>j. Stair cases of all 5 blocks are not finished.</p> <p>k. Entire common path-ways of the complex are here and there already badly damaged and water is logged everywhere during rain.</p> <p>l. Fencing walls of newly built are already damaged here and there, but not repaired.</p> <p>m. Iron-grill foundations of the entire vast pond are damaged severely already.</p> <p>n. Buildings of 5 blocks are here and there severely damaged already.</p> <p>o. Newly developed vast green lawns are totally barren already due to sand filling works only, without mud at all.</p> <p>p. There is no office room of Residents' Association's Day to day official works, whereas the Developer has big size tow flats for his office work with other facilities of toilets, etc.</p> <p>q. There is not at all 72.36% open space as per declaration.</p> <p>r. As per West Bengal Municipal Building Rules, 2007 there is no Rain Water harvesting system.</p> <p>s. As per the same building Rules, there is no waste water recycling system for the complex's daily average of 135,000 litres (376 flats, or 1125 residents' average usage of water per head at 120 litres, excluding drinking and cooking water per head), so to say, One lakhs thirty five thousand liters of water is wasted here per day here without recycling system.</p> <p>t. As per the same Building Rules there is no provision of Solar Energy installation system.</p> <p>u. No apartment Owners' Association has been formed by the Developer.</p> <p>v. No sanctioned plans and diagrams and others plan of electrical works, slumbering works, firefighting works, underground cable works, underground drainage works are given to the Complainant.</p>	
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In this Complaint Petition the Complainant prays before the Authority for the following relief(s):-

- a. Construction of northern (adjacent to Prasad Nagar housing Complex) and eastern (facing the B.T.Road) boundary walls like western side boundary walls.
- b. Refitting the Sewerage Treatment Plant as per the standard specification for the sludge-cake making process.
- c. Make the underground waste water treatment process as per the declaration and pour the treated water as usual into the pond.
- d. Making of Waste Disposal treatment Plat as per Declaration.
- e. CCTV surveillance system installations in all areas of the complex, as per the declaration, with full-proof security arrangements.
- f. Medical unit making as per declaration.
- g. Kids' swimming pool total renovation work with standard specifications for safety measures for the children to save their lives.
- h. Last four years audit report with details of internal audit of accounts.
- i. Treatment of storm and sullage water as per the declaration.
- j. Total finishing works of stair cases on all floors of the 5 blocks of the complex.
- k. Remaking of the entire common paths of the complex, which are already severely damaged and have water logs everywhere.
- l. Repairing the southern side and western side fencing walls, which are damaged here and there already.
- m. Remaking of the iron-grill foundation of the entire vast pond area, which are damaged severely already.
- n. Through repairing the entire 5 blocks' building walls, which are already broken and damaged, and water percolating here and there.
- o. Total remaking of vast green lawns, which are already totally barren due to only white sand filled work done.
- p. Making of office room for apartment Owners' Association's office

work for the entire 376 flat owners round the clock, with standard facilities to be provided, i.e., two rooms, one open veranda, one urinal, one toilet, plumbing works with sanitary fittings, and electrical works for computer running systems, three fans, and other switch points as per the existing flat's arrangements of electrical and plumbing works.

- q. Arrangements of a total of 73.36% open space as per the definition of 'open space'. If it is not possible to arrange for the same, payment of the shortage portion of the same area, out of the 73.36% of open space, to the flat owners in equal or equivalent amounts will be made to the Apartment Owners' Association.
- r. Construction of the rainwater harvesting system as per the West Bengal Municipal Building Rules, 2007 and declaration.
- s. As per the West Bengal Municipal Building Rules, 2007 (Rule No. 172), construction of reservoirs or installation of mechanical process for recycling the entire waste water of the 376 flat owners, or 1125 residents (approx), i.e. 1,35,000 litres, is approximate as per the declaration and Municipal Building Rules.
- t. Installation of solar energy systems as per the West Bengal Building Rules, 2007.
- u. Apartment Owners' Association should immediately be formed by the developer.
- v. Sanctioned plans and diagrams and others plan of electrical work, slumbering works, firefighting works, underground cable works, underground drainage works must be given to the Complainant immediately.

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 **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

The Complainant is further directed to send a scan copy of his affidavit to the email ID of the Advocate of the Respondent, as mentioned above.

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

The Respondent is at liberty to state points, if any, regarding maintainability of this Complaint Petition along with his Response regarding the merits of this matter, in the same Affidavit as directed above. No further time / opportunity shall be given to the Respondent to state the points of maintainability and/or points on merit, for the ends of speedy disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

Fix **22.05.2024** 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