

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

Complaint No.WBRERA/COM 000070

Sanjay Kumar Kejriwal Complainant

Vs.

Fabworth Promoters Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
03 27.07.2023	<p>Advocate Vijay Nath Jha is present in the online hearing on behalf of the Complainant filing hazira and Vakalatnama through email.</p> <p>Advocate Saunak Sengupta is present in the online hearing on behalf of the Respondent Company filing hazira and Vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>Respondent did not submit till date Written Response on Notarized Affidavit as per the last order of the Authority dated 04.07.2023 and last chance of filing Affidavit was given to the Respondent in the last order of the Authority. Therefore no more chance or time can be given to the Respondent to file Written Response in this matter.</p> <p>However, the Advocate of the Respondent at the time hearing prayed for adjournment of hearing of this matter on the ground that the Respondent has filed a Revision Application before the Hon'ble High Court at Calcutta under Article 227 of the Constitution but he failed to produce any stay order in this regard.</p> <p>Therefore the Authority is of the considered view to proceed</p>	

with further hearing of this matter in absence of any Stay order from the Hon'ble High Court.

The Complainant submitted at the time of hearing today that the external works of the building has been completed and some internal works are yet to be completed and it will take around three to four months to complete the same as per his assumption.

After examination of the Notarized Affidavit of both the parties and Notary Attested documents placed on record and after hearing the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the flat to the Complainant within the scheduled time line and the Complainant is willing to take the possession after completion of the remaining works by the Respondent at the earliest.

After hearing to both the parties the Authority is pleased to direct the followings:-

- a) Respondent shall complete the incomplete works of the flat booked by the Complainant and shall make it habitable and deliver the possession of the flat to the Complainant within 04 (four) months from today.
- b) Respondent shall execute the Deed of Conveyance in favour of the Complainant within 02 (two) months thereafter that is within 6 (six) months from today.
- c) The Respondent shall also handover the Completion Certificate, copy of Sanction Plan and other requisite documents to the Complainant within 06 (six) months from today.

The Complainant may file an application before the Adjudicating Officer of WB RERA, who is going to be appointed very soon, as per Form-N of the West Bengal Real Estate (Regulation and Development) Rules, 2021, praying for compensation as per the RERA Act and Rules, for the delay in delivery of possession done by the Respondent.

With the above directions the matter is hereby disposed of.

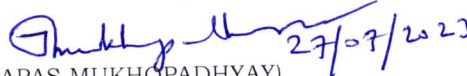
Let the copy of this order be served to both the parties by email and also by speed post immediately.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority

 27/07/2023

(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority