

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

Complaint No.WBRERA/COM000079

Parimal kanti Datta.....Complainant

Vs.

Mr. Sabyasachi Chatterjee & others..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 21.06.2023	<p style="text-align: center;">Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Narayan Chandra Chakrabarti is present in the online hearing on behalf of the Respondent no. 1 Mr. Sabyasachi Chatterjee filing hazira and vakalatnama through email.</p> <p>Advocate Debdoot Mukherjee is present on behalf of Respondent no. 3 Mrs. Rita Saroj who is daughter of the original Landowner Late Ram Sakal Pasi.</p> <p>Complainant submitted Notarized Affidavit, containing his total submission regarding this Complaint Petition, dated 11.05.2023, as per the last order of the Authority dated 04.05.2023, which has been received by the Authority on 16.05.2023.</p> <p style="text-align: center;">Let the said Affidavit of the Complainant be taken on record.</p> <p>Respondent no. 1 Mr. Sabyasachi Chatterjee submitted Written Response on Notarized Affidavit dated 29.05.2023, as per the last order of the Authority dated 04.05.2023, which has been received by the Authority on 01.06.2023.</p> <p style="text-align: center;">Let the said Affidavit of Respondent no. 1 be taken on record.</p>	

Respondent no. 3, Mrs. Rita Saroj submitted Affidavit, containing her Written Response, dated 19.06.2023, as per the last order of the Authority dated 04.05.2023, which has been received by this Authority on 21.06.2023.

Let the said Affidavit of the Respondent no. 3 be taken on record.

Heard all the parties in detail.

Respondent no. 1 who is the Developer of the subject matter project submitted that due to certain financial problems for some unsold units / flats etc. in the said housing project, he could not install the lift in due time.

He also submitted that, registration of the flat in favour of the Complainant is not possible at present because the original Landlord Ram Sakal Pasi has died on 14.09.2015 and the portions of the legal heirs of the Late Ram Sakal Pasi has not yet been decided by any Competent Court till date. After getting decision from any Competent court in this regard, registration is possible in favour of the Complainant.

Respondent no. 3 submitted that a Probate Case bearing no. 15 of 2023 is pending before the District Judge of Hooghly at Chinsurah and the corresponding Probate Proceeding is pending in the said Court. She prayed before the Authority to pass no order against her during pendency of the said Probate proceeding as she has not yet acquired any title to the property in question as per the last will and testament of her father Late Ram Sakal Pasi.

After hearing the parties through online hearings and

examination of the submission and documents submitted on oath, the Authority is of the considered view that the installation of lift is required to be urgently done by Respondent no. 1 / Developer and the plea of financial crunch of the Respondent No. 1 / Developer should not come in the way of installation of Lift. Registration of the conveyance deed in favour of the Complainant is required to be done just after getting a decision regarding the ownership of the portion of the original Landlord Ram Sakal Pasi in the subject matter property amongst the legal heirs of late Ram Sakal Pasi.

Hence it is hereby,

ORDERED

that the Respondent No. 1 / Developer Mr. Sabyasachi Chatterjee shall install a lift / elevator in the said project within **90 (Ninety) days** from the date of receipt of this order of the Authority by email.

The registration of Conveyance deed in favour of the Complainant shall be done within **60 (Sixty) days** just after getting the decision from the Competent court regarding the ownership of the subject matter property amongst the legal heirs of the original land lord late Ram Sakal Pasi.

Complainant is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order. In that case Respondent shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent, of the estimated cost of

the real estate project named 'Ram Niwas', as determined by this Authority, as per the provision contained in section 63 of the Real Estate (Regulation and Development) Act, 2016.

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

With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority