

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

Complaint No.WBRERA/COM-000134

Somnath Biswas Complainant

Vs.

Manoj Singh..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 <u>23.06.2023</u>	<p>Complainant is present in the online hearing. He is directed to send his hazira, as per the hazira format given alongwith the notice of hearing, to the Authority through email, immediately after receiving this order.</p> <p>Respondent is absent in the online hearing despite due service of notice through speed post and also by email.</p> <p>Let the service report and the track record of due service of the hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>In the Compliant Petition, the Complainant stated that he has purchased a flat in a project named 'Pushpakalaya' of the Respondent in the year 2012 and the Registration of the flat was done in 2015. Till date the Respondent did not complete the project and did not get the Completion Certificate (C.C.). The C.C. has not been obtained by the Respondent for which the mutation of the flat of the Complainant could not be done till date.</p> <p>In this Complaint Petition, the Complainant prayed before the Authority for completion of the facilities and amenities of the said project, which the Respondent has promised and in the failure of the Respondent to do so, refund of the amount paid</p>	

by the Complainant in the regard.

At the time of hearing, the Complainant also prayed for copy of C.C. and other necessary documents, which has not been provided to the Complainant by the Respondent.

After hearing the Complainant, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 7(seven) days from the date of receipt of this order through email.

The Complainant is further directed to make a prayer in his affidavit to include the name of the Company named as 'Pushpak Infrastructure Pvt. Ltd.', as Respondent No. 1 in this Complaint Petition and treat 'Manoj Singh' as Respondent No. 2.

The Respondent is directed to submit his Written Response regarding the Complaint Petition and Affidavit of the Complainant on a Notarized Affidavit annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 7 (seven) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is further informed that no more time will be granted to file the Written Response and he has to submit the Written Response on a Notarized Affidavit within the stipulated time as mentioned above.

The Respondent is also directed to positively appear on the next date of hearing, failing which, the Authority shall have no other option to proceed with ex-parte hearing and disposal of this matter for the ends of justice.

The Secretary/Special Law Officer, WBRERA is hereby directed to initiate a separate proceeding against Mr. Manoj Singh on the ground that he has not taken Registration for the project '**Pushpakalaya**' under erstwhile WBHIRA or WBRERA,

as per the provisions contained in section 3 of the Real Estate (Regulation and Development) Act, 2016 and Rules made thereunder.

Fix **21.07.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority