

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

Complaint No. WBRERA/COM000224

Subhadip Chakraborty and Esa Mukhopadhyay..... Complainants

Vs

Westroad LLP.....Respondent no.1

Rajendra Chatterjee.....Respondent No.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>03.01.2024</u>	<p>Complainants are present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice through speed post and also by email.</p> <p>Let the track record of the due service of the hearing notice to the Respondent be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, he has made the following allegations against the Respondent-Developer regarding the project named '<b>Westroad Heights</b>' :-</p> <ol style="list-style-type: none"><li>1. The built quality of the flat (Phase II, 3R) is very much underrated and highly compromised. The elevation of the wall, beam is totally bent. The slope of the floor is in the opposite direction.</li><li>2. The floor tiles are fitted very badly and loosely. The tiles are fitted with central portion empty which creates bumpy sound (not filled up properly).</li><li>3. As the Respondent-Promoter office offered for extra work, they did it. They charged in a very wrong way and the charge for each item is 3 to 4 time higher than the market value.</li><li>4. The bathroom fittings are bad, mainly the commode, flush and jet spray. They repeatedly requested the Respondents to change it or repair it before their registration and handover but no work done.</li><li>5. The Respondent-Promoter said that they will offer lottery for car parking. But they got the parking of the Respondent's choice, neither lottery nor their choice.</li><li>6. Out handover was done is not proper way. They took the physical</li></ol>	

possession on 23.04.2023. On that day the promoter office staff Mr. Debojyoti said their official possession was done on mail on 10.04.2023. They were surprised with such type of cheating. They mailed Mr. Rajendra Chatterjee and Mr. Rajendra Chartterjee mailed me that this is not negotiable. The Complainants have the copy of the mail.

7. After handover, They are doing some aesthetic related work to make the flat good looking. With the proper permission from the engineer Mr. Pranab, conceal work was done on roof with 3/8 pipe (only 0.5 inch groove concealed). Mr. Pranab said them previously that they have done concealed work on their roof so they can do it. He permitted it. After the work done, suddenly they got personal whatsapp message from Mr. Rajendra Chatterjee with a unlawful word and the picture of the roof.

In this Complaint Petition, the Complainants pray before the Authority for the following reliefs:-

1. They want to have relief from monarchy of Mr. Rajendra Chatterjee and his team.
2. Direction to assess the damage of the faulty flat which the promoter provided them.
3. Please assess unnecessary huge monetary loss of them and ensure to back to the Complainants.
4. Direction to ensure the security of the female and girl child.
5. They want proper punishment of the persons who did unlawful works like: taking picture of inner side of flat without permission after handover and make it viral, harassing woman inhabitants of the flat. They also want the proper justified punishment of the person/persons who instigated and supported and indulged these things to do (Mr. Rajendra Chartterjee).
6. They want that proper direction to visit with the team of the Authority for the inspection of the said housing society to check the quality of materials the Respondent provided to them.

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:-

Let **Smt. Esa Mukhopadhyay** being the Joint Allottee in the present transaction be included as a Joint Complainant in the present Complaint Petition.

Let **Westroad LLP** being the partnership firm to which Rajendra Chatterjee is one of the partner be included as **Respondent no.1** in the Present Complaint Petition as it is a necessary party for proper adjudication of this matter.

The Complainant is directed to submit his total submission regarding his 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 through email.

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.

Fix **17.04.2024** for further hearing and order and on the next date physical hearing shall be held in the office of this Authority.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy

*Sd/-*

03.01.2024

Special Law Officer

West Bengal Real Estate Regulatory Authority