

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

Complaint No. WBRERA/COM000234

Rahul Chakravarty..... Complainant

Vs.

Jalan Builders Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 12.12.2023	<p>Complainant is present in the physical hearing filing hazira and signed the attendance sheet.</p> <p>Advocate Mr. Sushovon Dey (Phone – 9831804449, Email – sushovondey16@gmail.com) and Mr. Biswajit Mukherjee, being Authorized Representatives of the Respondent are present in the physical hearing on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, an Agreement for Sale was entered in between the Complainant and the Respondent (being the builder of the said project) and several other parties (being the owner/s of the land) for one flat measuring 820 sq. Ft. of saleable area with a completion date of December'2019 with a clause of six months grace period. Later after the introduction of WBHIRA, the project received the approval from the Authority vide Registration Number HIRA/P/SOU/2018/000241 with a completion date of 30/06/2020. In March'20 due to the outbreak of Covid-19 the project got an extension of nine months and the completion date was revised to 30/03/2021. But even after failing to handover the possession for more than two years and still counting the Respondent is not paying any delay compensation as mentioned in the Agreement.</p> <p>The Complainant prays for the relief of clearance of all dues by the Respondent until proper handover of possession of the said unit with the statutory clearances from the Competent Authorities, for the reason of delay in handover of possession of the said unit, alongwith the litigation cost incurred by the Complainant.</p> <p>At the time of hearing, the Authorized Representatives of the Respondent stated that they want to settle the issues amicably with the Complainant by mutual discussion and negotiation between them, if the Complainant is agreed regarding the matter.</p> <p>The Complainant consented to the proposal of the Respondent at the time of hearing.</p>	

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:-

Both the parties are directed to try to arrive at a mutual settlement by amicable discussion with each other within a period of **15 (fifteen)** days from today and if they arrive at a mutual settlement, both of them shall submit a Joint Affidavit, signed by both, containing the terms of the mutual settlement and send the same to the Authority within a period of further **7(seven)** days.

If they fail to arrive at a mutual settlement within the period of 15 days as directed above then in that case, -

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested / self attested copy of 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 **7 (seven) days** from the date of receipt of this order through email.

The Complainant is further directed to send a scan copy of the Affidavit to the email 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 **7 (seven) days** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **15.02.2024** 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