

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

Complaint No.WBRERA/COM000485

Tapash MazumderComplainant

Vs

M/s. Star Construction..... Respondent No. 1
Sri. Buddhadev Kundu.....Respondent No. 2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 ----- 19.01.2024	<p>Advocate Ritaja Mukherjee is present in the online hearing on behalf of the Complainant filing hazira and vakalatnama through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent 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 kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, by a Deed of Conveyance dated 24th March, 2022, registered before the office of A.D.S.R. Sealdah, Book number 1, Volume number 1606-2022, pages from 62441 to 62476, being no. 160601568 for the year 2022, the Complainant purchased a flat at Block-A, measuring 1100 Sq. ft. super built-up area more or less, on the 4th Floor, situated on the north side and a open to sky car</p>	

parking space on the eastern side of block -D, measuring about 150 sq. ft. on the ground floor, at premises no. 138A, Ananda Palit Road, P.S.-Entally, Kolkata – 700 014 from the Respondent and accordingly paid the entire consideration of Rs.28,88,600/-only to the Respondent and also letter of handover of possession with blank date was issued.

Thereafter, the Respondent informed the Complainant that further construction work is in progress and took possession of the flat of the Complainant in the pretext of construction work but made illegal internal layout changes within the said flat and erected a partition wall on the north east side of the said flat and carved out about 180 sq. ft. to create a new separate unit which the Respondent again intends to sell to a third party, inspite of the fact that the said portion had been already sold to the Complainant and demarcated in the plan annexed with the deed of the Complainant dated 24.03.2022.

Legal notice dated 01.06.2023 was issued to the Respondent, which was duly served upon the Respondent but the Respondent and / or neglected to reply to the said legal notice or reconstruct the said flat to its earlier position.

In this Complaint Petition, the Complainant prays before the Authority for the following reliefs:-

- a) To direct the respondent to immediately demolish the illegal encroachment of the said flat and re-model the said to its earlier original position at the cost of the Respondent.
- b) To direct the Respondent to pay compensation to the Complainant in tune of Rs.5,00,000/-only for such illegal

	<p>encroachment and the mental agony suffered by the Complainant;</p> <p>c) To direct the Respondent to perform its contractual obligations and duties strictly in accordance with the terms and conditions of the Deed of Conveyance registered before the office of A.D.S.R. Sealdah, recorded in Book number 1, volume No. 1606-2022, pages from 62441 to 62476, being number 160601568 for the year 2022 and demolish the illegal construction and reinstate the said flat to its original condition.</p> <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:-</p> <p>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.</p> <p>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</p>	
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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 **22.05.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority