

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

Complaint No. WBRERA/COM000879

Sunil Kumar Sarawagi Complainant

Vs

Ideal Real Estates Private Limited..... Respondent No.1

Yes Bank Limited.....Respondent No.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 07.06.2024	<p>Advocate Avik Dhar (Mob. No. 8777840571 & email Id: iamavikdhar@gmail.com) is present in the physical hearing today on behalf of the Complainant hearing filing Vakalatnama & signed the Attendance Sheet.</p> <p>Advocate Mobina Ali (Mob. No. 9007316444 & email Id: mobina@legaloptions.in) is present in the physical hearing on behalf of the Respondent No.1 filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>The Complainant has submitted an Application for Addition of Party at the time of hearing today and prayed for addition of Yes Bank Limited as Respondent no.2 for proper adjudication of this matter. As per the Complainant Yes Bank Limited is a necessary party in this matter and the Complainant prayed before the Authority for reliefs against the actions taken by the said bank. He stated at the time of hearing that at the time of filing online complaint they have not been able to find the option to add another Respondent therefore he could not include the Yes Bank Limited as Respondent no.2. Hence, he prayed for inclusion of Yes Bank Limited as Respondent No.2 in this matter.</p> <p>Let the said Application for Addition of Party submitted by the Complainant be taken on record.</p> <p>Considered and granted the prayer of the Complainant regarding inclusion of Yes Bank Limited as a Respondent.</p> <p>Let 'Yes Bank Limited' be hereby included as Respondent no.2 and Ideal Real Estates Pvt. Ltd. be henceforth referred to as Respondent no.1.</p> <p>As per the Complaint Petition,-</p> <p>1. That the Respondent no.1 purchased one plot of land from Dilip</p>	

Ghosh and others admeasuring 2 Bigha 2 Cottach 8 Chittacks commercial exploitation, erected a Building with several Apartments with multiple modern facilities and obtained Completion Certificate from KMC on 28.03.2022.

2. That post – purchase the Respondent no.1 obeying all the procedures erected a Building with several Apartments with multiple modern facilities and obtained Completion Certificate from KMC on 28.03.2022.
3. That the Complainant got the Allotment letter on 21.08.2019.
4. That the Complainant vide a Deed of Conveyance dated 21.09.2022 being No. 13031 of 2022 registered at the office of the Ld. DSR-II, South 24-Pgs, at Alipore duly recorded in Book No. I, Volume No. 1602-2022, pages from 480800 to 480850 purchased all that residential flat no. 17A, on the 17th floor including servant quarter admeasuring a total carpet area of 1219 sq.ft. more or less together with a balcony measuring 133 sq.ft built up area approximately 1464 sq. ft. with right agreed super built up area of 2005 sq. ft. to park one covered car parking space being no. CS-04 in the covered area in the ground floor for parking of two medium sized mortor cars together with a proportionate share of land situated in the project named **'IDEAL ROYALE'** at municipal premises no. 177, Manicktala Main Road, P.S. Phoolbagan, Kol-700054, P.O.-Kankurgachi, ward no. 31 of the KMC, Dist- South 24 Pgs for a total consideration amount of Rs.1,76,40,000/-only (Rupees One crore seventy six lakhs forty thousand only).
5. That thereafter the Respondent No.1 handed over the vacant possession / possession certificate of the flat and since then the Complainants are enjoying the khas possession of the flat and obtained Mutation Certificate from the Kolkata Municipal Corporation dated 20.09.2023.
6. That the Complainant noticed some employees of the Yes Bank Ltd., the Respondent No. 2 having local branch office at 56A, Hemanta Basu Sarani, Gr. Floor, Stephen House, Dalhousie, Kolkata – 700 001 are inquiring about the unit of the Complainant and upon asking they responded that they are not going to disclose much but shortly, they are going to take possession of the unit of the Complainant by dispossessing him and his family members.
7. That in collusion and connivance with the Developer being the Respondent no.1, the said bank, the Respondent No. 2 may dispossess the Complainant from his apartment.
8. That the Respondent No.1, upon enquiry, responded with vague, baseless and evasive answers.
9. That the Complainant has neither obtained any loan from the said

bank, the Respondent No.2 nor he has mortgaged the purchased flat with the Bank, the Respondent No.2.

The Complainant prays before the Authority for the relief of necessary direction upon the Yes Bank Limited that is upon the Respondent no.2 directing it not to auction, sale or transfer the units and mandate the developer that is Respondent no.1 to indemnify all the Complainants, ensuring protection under the RERA Act.

At the time of hearing the Complainant prayed for interim order of stay on the actions taken by the Yes Bank Limited but he did not annex the Notice issued by the said Bank with the Complaint Petition.

Advocate of the Respondent no.1 stated that they require some time to submit Response to the Complaint Petition on Notarized Affidavit.

After hearing both the parties and taking into consideration the Complaint Petition, the Authority is hereby pleased to give the following directions:-

The Complainant is directed to submit a Notarized Affidavit annexing therewith copy of notice(s) including notice of auction, if any, issued by the Yes Bank Limited and stating the reliefs claimed by the Complainant including interim reliefs, if any, and send the Affidavit (in original) to the Authority, serving a copy of the same to the Respondent No.1 and 2, both in hard and scan copies, within **10 (Ten)** days from today.

Fix **24.06.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority