

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

Complaint No. WBRERA/COM (PHYSICAL)000080

Dakkhin kali Association of Apartment OwnersComplainant

Vs

Mr. Sashikant KhaitanRespondent No. 1

M/s. Saket Promoters Limited Respondent No. 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 <u>26.06.2024</u>	<p>Mr. Somnath Mukherjee (Mobile - 9433102964, email id - dkaliaoa@gmail.com), President of Dakkhin Kali Association of Apartment Owners and Advocate Sanghamitra Bose (Mob. No. 9231845187 & email Id: sanghamitraadvo@gmail.com) is present in the physical hearing on behalf of the Complainant filling vakalatnama and signed the Attendance Sheet.</p> <p>Respondent is absent in the physical hearing today despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, the facts of the case is:-</p> <ol style="list-style-type: none">The Complainant is a Registered Association under West Bengal Apartment Ownership Act, 1972 being registered number 00352022 of 2022.That after registration the association sent a letter the respondents on 02.11.2022 being ref. no. DK/2022/003, 05/12/2022, 27/03/2023 and asked them to hand over all the original documents and the security deposits and sinking fund to be handed over to the registered association. But they did not give reply to those letters.That on 09.02.2023 the Board of Managers met the Respondents at their office and they have promised to hand over all the original documents the complainant asking for and also promised to hand over the security deposits and sinking fund but they failed to do that.That the materials used in the construction by the Respondents were very poor and not up to the standard as such the roof of the building damaged very badly and the complainant had to repair the roof to live there safely & they have spent Rs.3,28,441/-for the repairing work. The repairing work should be done by the Respondents only at their	

own cost. The complainant requested to reimburse the expenses to the complainant and the Respondents promised to do that on the meeting held on 09.02.2023.

- e) That the lifts were installed by the Respondents in the premises of the complainant but they did not hand over the original license/certificate of those lifts. The present conditions of the lifts are very hazardous.

The Complainant prays before the Authority for the following reliefs:-

- i. To order the Respondents to hand over the security deposits, sinking fund and original documents of all sanctioned site plans, completion certificate, any other relating documents of the premises no. 12, Barrister P. Mitra Road, Kolkata- 35.
- ii. To order the Respondents to reimburse the expenses to the Association of Rs.3,28,441/-for repairing of the roof.
- iii. To order the Respondents to hand over the original license/certificate of the lifts to the association.
- iv. To order the Respondents to hand over the proper balance sheet from the year 2016 to till date.
- v. And to pass any such further direction and/or orders, as the Learned Authority, may deem fit and proper in the matter.

After hearing the Complainant, 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:-

The Complainant is directed to submit his total submission regarding their 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 scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by 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 copy of 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 scan 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 **12.09.2024** for further hearing and order.


(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority