

**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/COM(PHYSICAL)000040

Dr. Indrajit Chatterjee.....Complainant

Vs.

M/s. Shiv Niketan Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 12.06.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Smt. Munmun Kar and Smt. Paramita Chakraborty are present in the online hearing on behalf of the Respondent company, being its Authorised Representatives.</p> <p>As per the order of this Authority dated 28.04.2023, the Complainant submitted a Notarized Affidavit dated 10.05.2023, containing his total submission regarding this Complaint Petition, which has been received by this Authority on 26.05.2023.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>As per the last order of the Authority dated 28.04.2023 , the Respondent also submitted Written Response on Notarized Affidavit dated 05.06.2023 which has been received by this Authority through email on 06.06.2023.</p> <p>Let the Written Response of the Respondent be taken on record.</p> <p>Heard both the parties in detail at the time of hearing today.</p>	

The Complainant has made an physical inspection on 5<sup>th</sup> May 2023 of the flat booked by him. Mutual discussion was held between the parties and almost 95% of the demands of the Complainant have been approved by the Respondent and they have submitted their approval by their affidavit dated 05.06.2023.

Only in respect of ceiling structure in the attic room, it was decided between them that it will be done by the Complainant after handover of the possession of the flat, if required by him.

In respect of planter arrangement for plant pots on the roof top, a declaration / undertaking will be provided by the Complainant to the Respondent stating that the Complainant will be solely responsible for all future consequences and damages, if any, for this planter arrangement and Respondent will not be liable for it.

After hearing both the parties and after thorough examination of the Affidavits of both the parties on record , the Authority is pleased to give the following directions ;-

The Complainant is hereby directed to send an undertaking to the Respondent, within 2 weeks from the date of receipt of this order, stating that he shall be responsible for future consequences and damage, for example dampening of the walls of the bungalow and chances of water percolation and white ant presence etc, if any, due to the planter arrangement for plant pots on the roof top, along side wall, as in the model bungalow and the Respondent company shall not be liable for it.

The Respondent is hereby directed to provide the following to the Complainant, at the time of final inspection by the

Complainant, before the handover of the possession of the flat as per the timeline as agreed between the parties. The following shall be provided by the Respondent , as committed by him in his Affidavit dated 05.06.2023 :-

**At the Ground Floor**

- i) Concreting and Tiles fixation will be done of the patio adjacent to the dining area ;
- ii) Water tap connection point and drainage outlet at the designated place for washing machine;
- iii) Sliding windows will be provided in place of fixed sealed windows;
- iv) Concrete Grass Paver tiles will be provided in parking area;

**At the First Floor**

- i) Openable windows will be provided in place of sealed windows;
- ii) Partition wall in the master bathroom will be demolished;
- iii) One water tap point in the verandah, adjacent to the master bedroom;
- iv) Ceiling structure in the attic room (front facing room) in the first floor to hang fan can be done by the Complainant after the handover of the flat;
- v) Sliding window with fixed bottom overlooking the patio from first floor will be provided.

**At the Roof Top**

- i) One water tap point for miscellaneous matter will be provided.
- ii) Provision for planter arrangement of plant pots on the roof top, along side wall, as in the model bungalow has been demanded by the Complainant in this regard Complainant shall

give an undertaking to the Respondent as mentioned above and Respondent will provide platform on which plants can be fixed in pots.

Let copy of this order be sent to both the parties by speed post and also by email immediately.

With the above directions, the matter is hereby disposed of.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy.

*sk*  
12.06.2023  
Special Law Officer  
West Bengal Real Estate Regulatory Authority