

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

Complaint No. WBRERA/COM000817

Nita Singhvi..... Complainant

Vs

Shiv Mahima Developers Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 14.05.2024	<p>Advocate Subhro Kanti Roy Chowdhury is present on behalf of the Complainant filing hazira and vakalatnama through email.</p> <p>Chartered Accountant Gopal Krishna Lodha is present on behalf of the Respondent Company, being its Authorized Representative, filing hazira and authorization through email.</p> <p>Heard both the parties in detail.</p> <p>The facts of case is: -</p> <ol style="list-style-type: none">1. By virtue of an Indenture dated 20.04.2018, the Complainant purchased the residential flat being No. 3d on the 3rd floor alongwith one servant quarter being no. 03 on the 3rd floor measuring an aggregate area of 1676 sq.ft. more or less super built up area together with extended terrace attached with the said residential flat measuring about 58 sq.ft. built up area and 1 medium size motor car parking space on the Ground Floor at the project "ELYSIUM" located at Municipal premises No.25, Dr. Ambedkar Sarani, P.S.-Topsia, Ward No. 59, Kolkata Municipal Corporation from the Respondents herein and paid an amount of Rs.93,00,000/-out of the total consideration amount of Rs.1,09,30,000/-.2. As per the terms of the Agreement, the project was to be completed by December, 2018. Provided that in case if it be so required the time for completion shall be extended by a further period of 6 months subject to Force Majure and other terms and conditions contained therein.3. But the Respondent failed to complete the project within the stipulated time period.4. Till date the Respondent have neither delivered the Complainant the said flat nor executed the deed of conveyance. <p>The Complainant prays before the Authority for the following relief(s):-</p> <ol style="list-style-type: none">1. Peaceful and vacant possession of the said flat alongwith C.C of the project and execution of deed of conveyance in favour of the	

Complainant.

2. Demand an interest on delayed possession of the said flat as per section 18 of the RERA Act and Rule 17 of the WBRERA Rules.
3. Re-calculate the super built up area of the said flat and
4. To restrain the Respondent from transferring and/or alienating and/or encumbering the said flat.

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 her total submission regarding their 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 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 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 **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Respondent is further directed to state in his Affidavit the contact details of the Directors/Partners of the Respondent Company and also state the present status of the construction of the project on his Affidavit annexing therewith a Report of the concerned Engineer/Architect in this regard. He also shall state the estimated date of delivery of possession of the flat to the Complainant in his Affidavit.

Fix **23.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority