

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

Complaint No.WBRERA/COM000153

Kamlesh Gandhi.....Complainant
Vs
Rajesh Jalan..... Respondent No.1
ICICI Bank Respondent No. 2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
04 ----- 07.12.2023	<p>Ms. Moumita Kumar and Ms. Taniya Saha are present in the online hearing on behalf of the Complainant, being its Authorized Representatives, filing hazira and authorization through email.</p> <p>Advocate Somnath Chattopadhyay and Advocate Devanand Agarwala are present on behalf of the Respondent no. 1 (Mr. Rajesh Jalan) in the online hearing filing hazira and Authorization through email.</p> <p>No one is present on behalf of Respondent no. 2 ICICI Bank Ltd.</p> <p>The Respondent no.1 submitted an Application dated 07.12.2023 under section 35 of the Real Estate (Regulations and Development) Act, 2016 read with Order 11 Rule 14 of CPC and section 151 of CPC, which has been received by this Authority on 08.12.2023.</p> <p>Let the said Application of the Respondent no.1 be taken on record.</p> <p>Heard both the parties in detail.</p>	

Respondent no.1 at the time of hearing rightly pointed out that no notice and copy of the last order of the Authority has been sent to the Respondent no.2.

Respondent no.1 prayed for the following in his application dated 07.12.2023 :-

a) To issue direction upon the Respondent no. 2 to give inspection, produce, supply and file documents such as copy of Agreement For Sale dated 27.08.2021, time schedule for completing the phase and common areas, amenities etc, sanction plans, layout plans etc which he intend to rely upon in support of his Response;

b) To issue direction upon the Complainant to give inspection, produce, supply and file the above mentioned documents including which they relied upon in support of its alleged claims made in the Complaint Petition;

c) The Respondent no.1 be allowed sufficient time to furnish proper and comprehensive Written Response to the Complaint Petition and to the Affidavit of the Complainant.

The Authority is of the considered view that the Complainant has already annexed and submitted authenticated copy of necessary documents alongwith the Affidavit of the Complainant and therefore the prayer (a) and (b) of the Respondent do not have much relevance and therefore the prayer (a) and (b) of the Respondent no.1, as mentioned above, is hereby considered and rejected.

After hearing both the parties, the Authority is pleased hereby to give the following directions :-

a) Let Respondent no.2 be served a copy of the Complaint Petition, order dated 28.08.2023 and this order and hearing notice for the next date of hearing from the office of WBRERA;

b) Respondent no. 1 and Respondent no. 2 shall submit their

Written Response separately on Notarized Affidavit in response to the Affidavit of the Complainant as well as the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant and to the other Respondent, both in hard and scan copies, within a period of 15 days from the date of receipt of this order of the Authority through email;

c) It is the last chance given to the Respondent no. 1 and 2 to submit their Written Response. No more chance or time shall be given to any of them to file the Written Response.

d) Respondents are further directed to remain present positively on the next date of physical hearing, failing which, the Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter.

Fix **28.02.2024** for further hearing and order and the hearing shall be done physically in the office of WBRERA on the next date of hearing.

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority