

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

Complaint No. COM 000111(erstwhile WBHIRA)

Tapas Banerjee.....Complainant

Vs

Sukdeb Koley..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
(6) Execution ----- 23.04.2024	<p>Today is the 6th day of execution hearing of this matter.</p> <p>Complainant (Mob. No. 9830372737 & email Id- tapasbanerjee022@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>Advocate Juhi Shaw (Mob. No. 9038638361 & email Id – advjuhishaw@gmail.com) is present in the physical hearing on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>Complainant submitted Notarized Affidavit dated 12.04.2024 stating the current status of the flat booked by him and stating specifically whether he wants possession of the flat or refund, as per the last order of the Authority dated 12.03.2024, which has been received by the Authority on 15.04.2024.</p> <p>Let the said Affidavit of the Complainant be taken on record.</p> <p>Respondent submitted a Notarized Affidavit dated 20.04.2024, stating the present status of the flat booked by the Complainant and the list of remaining works to be done alongwith time schedule, as per the last order of the Authority dated 12.03.2024, which has been received by this Authority today at the time of hearing.</p> <p>Let the said Affidavit of the Respondent be taken on record.</p> <p>Heard both the parties in detail.</p>	

The Complainant stated at the time of hearing that the flat is not in habitable condition till today and the works of installing water pump for lifting water, water reservoir, water tank, water connection line, permanent electric connection, drainage and sewerage line, entry and exit route from the building and other amenities which is common to all flat owners are still incomplete and he also stated that none of the purchasers are residing in the said building due to non-availability of basic minimum living requirements.

He also stated that he want to take possession of the said flat alongwith interest for delay possession and if the Respondent fails to deliver possession of the flat in habitable condition immediately, in that case Complainant shall take refund of the entire money paid by him alongwith other related expenses.

The Complainant prayed before the Authority for necessary order regarding inspection of the said flat and the project by this Authority.

Respondent stated in their Affidavit dated 20.04.2024 that all the works of the project are complete except the installation of a lift. All pending works that was incomplete previously like installation of electricity, water connection and colour of the building are completed now. The process for installation of lift is in progress and probably it will be completed within 90 days from the date of execution of the Affidavit that is from 20.04.2024. He also stated that the Complainant's flat is under lock and key so he was unable to do any work in the said flat, if any work left in the said flat. He also stated that the Complainant needs to apply for electricity and pay the appropriate fee to concerned department for electric meter.

After hearing both the parties in detail, the Authority is pleased to give the following orders:-

- a) The BDO, Sankrail Block is hereby directed to conduct an **Inspection** of the instant project named as '**Siddheswari Apartment**' and submit a **Inspection Report** regarding the present status of the said project as well as the flat bearing no. 102 in the 1st floor of the building, the project is situated at village – Duilya, Mouza – Duilya, P.S. – Sankrail, Howrah - 711302. The water connection, electricity, installation of lift, drainage and sewerage and other essential services, whether completed or not, in the said project shall be specifically stated in the said Report and the Report shall be sent to the Authority, within **30 days** from the date of receipt of this order of the Authority; and
- b) The District Magistrate, Howrah is hereby directed to monitor the

inspection process to be carried on by the BDO, Sankrail Block.

If there are discrepancies between the Inspection Report submitted by the BDO and the Affidavit submitted by the Respondent on 20.02.2024, regarding the present status of the instant project and the flat, then punitive action may be taken against the Respondent for submitting false statement before the Authority in their Affidavit.

Fix **04.07.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority