

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

Complaint No. WBRERA/COM(PHYSICAL)000072

Jayanta Kumar Roy..... Complainant

Vs

Masood Mallick..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 22.03.2024	<p>Complainant (Mob. No. 7980685405 & email Id: jayantakrroy943@gmail.com) is present in the physical hearing and signed the attendance sheet.</p> <p>The Respondent is absent in the physical hearing 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 fact of the case is that –</p> <ol style="list-style-type: none">1) Considerable delay in providing possession of the property in spite of paying the full amount.2) Wrong calculation done while providing the deed map and shown as taking “Average Area” thus covered area becomes higher than the actual area which was calculated by his registered civil engineer using Auto Cad software.3) Respondent continuously misbehaved during all the communications in respect of any issue and threatening to lock out the property without any intimation which was already occurred once previously.4) The project is incomplete in respect of transformer, lift, main-gate, and many security issues in the common area. In spite of the above issues, Respondent is creating pressure for the final registration without providing any official Possession Letter and Completion Certificate.5) Possession date as per the Sale Agreement is on 21.05.2023.6) Total payment done towards the Respondent is Rs.27,00,000/-only. <p>In this Complaint Petition the Complainant prays for the following reliefs before the Authority :-</p> <ol style="list-style-type: none">i) Immediate possession of the property as he has already invested lots of money into this.ii) He Want to shift immediately with his aged parents who are severely	

sick and eagerly waiting to see the “Griha Pravesh” with peace.
iii) He Want interest for delay in possession of the flat.

After hearing both the parties, 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 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.

The Respondent is directed to submit his affidavit within the stipulated timeline as directed above, failing which, no more chance/time shall be given to the Respondent to file the Written Response, for the ends of speedy disposal of the justice. If the Respondent remains absent even on the next date of hearing, this Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter on the next date of hearing.

The Respondent is further directed to mention in their affidavit whether the project named as ‘Dayalu Apartment’ is registered with WBRERA or erstwhile WBHIRA. If not registered then the reason for such non-registration of the said project shall be given by the Respondent in his Affidavit.

Fix **30.05.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority