

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

Complaint No. WBRERA/COM000260

Chayan Purkayastha..... Complainant

Vs

M/s. Millennium India Construction ... Respondent No.1

Debasish Sarkar ..... Respondent No.2

Samir Kumar Halder..... Respondent No.3

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 22.03.2024	<p>Advocate Mr. Shayamvar Deb (Mob. No. 9038688558 &amp; email Id: shayamvar_deb@hotmail.com) is present in the physical hearing on behalf of the Complainant filing hazira, vakalatnama and signed the attendance sheet.</p> <p>Advocate Mr. Supratim Barik (Mob. No. 8961006464 &amp; email Id:- supratimbarik007@gmail.com) is present in the physical hearing on behalf of the Respondent filing hazira, vakalatnama and signed the attendance sheet.</p> <p>Advocate Sarosij Dasgupta is present in the hearing through online mode on behalf of the Respondent.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, On 22<sup>nd</sup> September' 2012 an agreement was entered into by and between the Complainant and the Respondents contained in writing dated 22.09.2012. In terms thereof, the Respondents had offered to sale a flat admeasuring 1150 sq.ft. on the first floor, South-East side alongwith one open car parking space at premises No. 255/55, N.S.C. Bose Road (mailing address 2/60, Naktala), P.S. – Jadavpur under Ward No. 100, Borough No. – X, Kolkata -700 047 to the Complainant, and the Complainant was desirous and is still ready and willing to purchase the said flat and garage. As would appear from the writing dated 22.09.2012, the respondents are obliged to hand over the said flat and garage in vacant and unencumbered condition to the complainant, within 24 months from the date of such writing dated 22.09.2012, i.e. 22.09.2014. Respondents promise and Complainant's consequent desire have been duly recorded in such writing dated 22.09.2012, which is still subsisting. Till now,</p>	

none of the Respondents has sought for termination or cancellation of the same.

It is also not out of the place to mention that the premises No. 255/55, N.S.C. Bose Road (mailing address 2/60, Naktala), P.S. – Netaji Nagar (earlier Jadavpur) under Ward No. 100, Borough No. – X, Kolkata -700 047, has been developed into a G+4 building, with 8 flats constructed therein. Although it has been witnessed by the complainant, the said building is almost complete certificate of the said project has not been issued yet. Hence in view of the provisions of the Real Estate (Regulation and Development) Act, 2016, the Respondents were and/or is presently duty bound to obtain registration under the Real Estate (Regulation & Development) Act, 2016.

In this Complaint Petition the Complainant prays before the Authority for the following reliefs:-

- a) Delivery and handover of the possession of the concerned flat and garage to the complainant and / or refund the entire amount Rs.35,00,000/-only with interest at the commercial rate;
- b) And/or a compensation of Rs.20,00,000/-only for mental trauma and harassment;
- c) Respondents be directed not to sell, encumber and/or alienate the concerned flat and garage till disposal of the complaint;
- d) An Advocate be appointed as a Receiver, who would visit the subject premises, make an inventory, take physical possession of the subject building and file a detail report of the inventory, with adequate police assistance being provided to him , through the local police station;
- e) Ad interim order in terms of prayers ( c ) and ( d );
- f) To pass such further order or orders as your honor may deem fit and proper.

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 Complainant is further directed to send a scan copy of his affidavit to the email ID of the Advocate of the Respondent, as mentioned above.

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 further directed to mention in their affidavit whether the project named as '**SONAR TORI**' is registered with WBRERA or erstwhile WBHIRA. If not registered, then the reason for such non-registration shall be mentioned in the said Affidavit of the Respondent.

Fix **28.06.2024** 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