

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

Complaint No.WBRERA/COM-0000113

Shri. Alak Kumar Roy and Shri Kanak Kumar RoyComplainants.
 Vs.
 Smt. Swati Choudhury and Smt. Kabita Choudhury.....Respondents.

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 30.05.2023	<p>Complainant is present along with Advocate Md. Masudur Rahaman in the online hearing filing Hazira through email.</p> <p>Advocate Md. Masudur Rahaman is hereby directed to send his Vakalatnama and hazira through email to the Authority immediately after receiving this order.</p> <p>Advocate of the Respondent Mr. Dipankar Chakraborty, Debojyoti Roy and Kaustav Baidya have submitted vakalatnama an adjournment petition which has been received by the Authority today.</p> <p>Considered and granted the prayer of the Advocate of the Respondent and 30 days is hereby granted to him for filing the Written Response.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant he entered into an Development Agreement with a Partnership Firm of which the Respondent no. 2 Smt. Swati Choudhury and Respondent no. 3 Smt. Kabita Choudhury, for Development of an Housing Project and the Development Agreement was executed between the parties on 24.09.2012.</p>	

The Complainant also handed-over the original documents of the property which is duly acknowledged by the Respondent No. 2 & 3, vide their letter dated 24.09.2012. That the Development Agreement was initially executed for 4 (four) years for the years 2012 to 2016 and later upon the request of the Developer/Respondents a Supplementary Agreement was executed on 11.05.2018 and the delivery date of the said property was extended up to 24.03.2021. As there is no progress in the schedule property, the Complainants had requested the Respondents to return the original documents but no fruitful result has been achieved till date.

In this Complaint Petition, as the Respondents failed to deliver the possession of the portion of the Complainant within the schedule time period as per the Development Agreement, the Complainant prays the following reliefs before the Authority:-

- a) To return all the original documents.
- b) Litigation cost.
- c) Order of compensation @ Rs.50,000/- per month from the date of possession i.e. 25.09.2012 till the delivery of possession, as mean profit.

After hearing both the parties, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the

Respondent, both in hard and soft copies, within 15 days from the date of receipt of this order through email.

Complainant is further directed to make a prayer in their Notarized Affidavit to include the 'Partnership Firm' as Respondent no. 1 and they are also directed to send a scan copy of their Affidavit also to the advocate of the Respondent in the following email id :

subhodeep635@gmail.com

The Respondent is directed to submit his Written Response regarding the Complaint Petition on a Notarized Affidavit, annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 days from the date of receipt of the Affidavit of the Complainant by post or by email whichever is earlier.

Fix **21.07.2023** for further hearing and order.

sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

certified to be true copy.

sd/-

30.05.2023

Special Law Officer

West Bengal Real Estate Regulatory Authority