

**BETWEEN**

1) Sri Tapan Kumar Banerjee\_(PAN: dcpb4621m), son of Late Dinesh Chandra Banerjee, Nationality-Indian, by faith-Hindu by occupation Retired residing at P-60, Motijheel Avenue, Kolkata-700074 and 2) Mrs Sabita Banerjee (PAN: APTPB4576J), wife of Late Swapan Kumar Banerjee, Nationality- Indian by faith Hindu, by occupation House wife 3) Mr Subham Banerjee (PAN : APTPB4575M) son of Late Swapan Kumar Banerjee, Nationality- Indian by faith Hindu, by occupation Service both residing at P-67, Motijheel Avenue, Kolkata-70074 4) Debal Kumar Banerjee (PAN- AESPB8048K) son of Late Dinesh Chandra Banerjee is the absolute and lawful owner of Mouza-Bagjola, J.L. No. 21, in C.S. Dag No. 476, C.S. Khatian No. 188, R.S. Dag No. 1888, R.S. Khatian No. 285, in respect of municipal Holding No. 347, Motijheel Avenue, Ward No. 9, under South Dum Dum Municipality, P.S. Dum Dum, District - North 24 Parganas, Hereinafter jointly and collectively referred to as the **“OWNERS”** (Which term or expression shall unless excluded by or repugnant to the subject or context be deemed to mean and include their respective heirs executors administrators, legal representative, and/or nominees) of the **FIRST PART**;

**AND**

**M/S. OM SAI DEVELOPERS**, (PAN: AAFFO9508C) a registered partnership firm having its 353, Jessore Road, PO. Moti Jheel, P.S. Dum Dum, Kolkata 700074 represented by its partners 1). SRI MANISH AGARWAL (PAN: CCAPA1524M), SON of Bajrang Agarwal residing at 20, Ramdhan Mitra Lane, Kpolkta-700004, 2). SRI RAJU BISWAS (PAN: ALUPB6184B), son of Sri Alope Biswas, residing at 21, Nager Bazar Road, Kolkata 70074, 3). SRI SAMRAT DUTTA (PAN: AJJPD8022B)

SON Sri Panchu Gopal Dutta, residing at 50, r.n. Guha Road, Kolkata-700028 all are Nationality-Indian by faith Hindu, by occupation Business hereinafter referred to as the “**DEVELOPER**” (Which term or expression shall unless excluded by or repugnant to the subject or context be deemed to mean and include its heirs, executors, administrator, legal, representatives, successor-in-interest and/or nominees) of the **SECOND PART**;

**AND**

[ If the Allottee is a Company] \_\_\_\_\_, (CIN No....) a company incorporated under the provisions of the Companies Act, 1956 or 2013, as the case may be, having its registered office at \_\_\_\_\_ (PAN \_\_\_\_\_), represented by its authorized signatory, \_\_\_\_\_ duly authorized vide board resolution dated \_\_\_\_\_ hereinafter referred to as the Allottee (which expression shall unless repugnant to the context or meaning thereof be deemed to mean and include its successor-in-interest, and permitted assigns)

(or)

[ If the Allottee is a Partnership], \_\_\_\_\_, a partnership firm registered under the Indian Partnership Act, 1932 having its principal place of business at \_\_\_\_\_ (PAN \_\_\_\_\_ ) represented by its authorised partner, \_\_\_\_\_ authorised vide \_\_\_\_\_ hereinafter referred to as the Allottee (which expression shall unless repugnant to the context or meaning thereof be deemed to mean and include its successor-in-interest, and permitted assigns)

(or)

[If the Allottee is a HUF]

Mr./Mrs. \_\_\_\_\_ son/daughter of \_\_\_\_\_ aged about \_\_\_\_\_ FOR SELF AND AS THE Karta of the Hindu Joint Family known as HUF, having its place of business/residence at \_\_\_\_\_ (PAN \_\_\_\_\_) hereinafter referred to as the Allottee (which expression shall unless repugnant to the context or meaning thereof be deemed to mean and include its successor-in-interest, and permitted assigns)

(or)

[If the Allottee is an individual]

Mr./Mrs. \_\_\_\_\_ son/daughter of \_\_\_\_\_ aged about \_\_\_\_\_ residing at \_\_\_\_\_ (PAN \_\_\_\_\_) hereinafter referred to as

the Purchasers (which expression shall unless repugnant to the context or meaning thereof be deemed to mean and include its successor-in-interest, and permitted assigns)

The Developer and Purchasers shall hereinafter collectively be referred to as the Parties and individually as a Party of the **THIRD PART**:

**SECTION- I # INTERPRETATION:**

**WHEREAS:**

A. In these presents, unless there be something contrary or repugnant to the subject or context, the following terms (whether used as capitalized terms or not) shall have the respective meanings which have been assigned thereto:

- (i) **“Agreed Consideration”** shall mean the consideration mentioned in **PART-I** of the **FIFTH SCHEDULE** hereto and payable by the Purchaser to the Builder for acquiring the said Unit.
- (ii) **“Architects”** shall mean any Architect whom the Vendors and the Builder have appointed as the Architects for the Project / Buildings time to time.
- (iii) **“Association”** shall mean an Association, Syndicate, Committee, Body, Society or Company which would comprise the purchasers of Units and the Builder as may be required and be formed or incorporated at the instance of the Builder for the Common Purposes with such rules and regulations as shall be framed by the Builder.
- (iv) **“Buildings”** shall mean **2, 2<sup>1/2</sup> and 3 BHK** Apartments having One Block of Apartments a total of 7 apartments of different types in G+II storied Block including such other constructions and/or structures, as may be constructed on the Premises by the Builder from time to time.
- (v) **“Built-Up Area”** and/or **“Covered Area”** in relation to a Flat shall mean the floor area of that Flat including the area of balconies and

terraces, if any attached thereto, and also the thickness of the walls (external or internal) and the columns and pillars therein Provided That if any wall, column or pillar be common between two Flats, then one-half of the area under such wall column or pillar shall be included in the built-up area of each such Flat.

- (vi) **“Carpet Area”** means the net usable floor, area of an Flat/Apartment, excluding the area covered by the external walls, areas under services shafts, excluding balcony or verandah area and exclusive open terrace, but includes the area covered by the internal partition walls of the flat/apartment;
- (vii) **“Car Parking Area”** means an area either enclosed or unenclosed, covered or open excluding open car parking areas reserved for common areas and facilities to park vehicles located at any level and includes all types of car parking areas sanctioned by the Competent Authority;
- (viii) **“Common Area”** means-
- i) the entire land for the real estate project or where the project is developed in phase and registration under the West Bengal Housing Industry Regulation Act, 2017, the entire land for that phase;
  - ii) the stair cases, lifts, staircase and lift lobbies, fire escapes, and common entrances and exits of the building;
  - iii) the common basements, terraces, parks, play areas, visitors car parking areas and common storage spaces;
  - iv) the premises for the lodging of persons employed for the managements of the property including accommodation for watch and ward staffs or for the lodging of community service personal;
  - v) Installations of central services such as electricity, gas, water, and sanitation, air-conditioning and incinerating system for water conservation and renewal energy;
  - vi) the water tanks, pumps, motors, fans, compressors, ducts and all apparatus connected with installations for common use;
  - vii) all community and commercial facilities as provide in the real estate project;

Query No. ....