

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

Complaint No. WBRERA/COM000216

Sekhar Ray..... Complainant

Vs

Eden Real Estates Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 29.10.2024	<p>Advocate Shri. Abhik Nandi (Mobile – 9903168024 & email id – adv.abhiknandi@gmail.com) is present in the online hearing on behalf of the Complainant filing hazira & Vakalatnama through email.</p> <p>Advocate Smt. Sanjukta Ray (Mob. 9830248307 & email Id- sanjukray@gmail.com) is present in the online hearing on behalf of the Respondent filing hazira and Vakalatnama through email.</p> <p>Respondent submitted Written Response on Notarized Affidavit dated 03.05.2024, as per the last order of the Authority dated 03.05.2024, which has been received by this Authority.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Complainant submitted Rejoinder dated 08.07.2024 to the Written Response of the Respondent, as per the last order of the Authority dated 03.05.2024, which has been received by this Authority on 24.07.2024.</p> <p>Let the said Rejoinder of the Complainant be taken on record.</p> <p>Complainant submitted another Application supported by Affidavit dated 06.09.2024, under section 35 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the 'said Act') praying for stay on the sale of flats in the instant project namely 'Eden City Mahestala' and stay on the construction work in the said project, which application has been received by this Authority on 12.09.2024.</p> <p>Let the said Application of the Complainant be taken on record.</p>	

Heard both the parties in detail.

Advocate of the Complainant stated that although they have submitted an Application under section 35 of the said Act but today they are only pressing for formation of association in the said project and he also prayed before the Authority that a **Special Officer** may be appointed to take care of the steps to be taken for formation of association.

Respondent stated that they have already submitted Application for formation of association before the Competent Authority under the West Bengal Apartment Ownership Act, 1972 vide application no. AINI2108524077000000 but she could not state the date of submission of the application.

Respondent also stated that some of the allottees are now co-operating in formation of association and therefore they have prayed for expunging the name of those allottees before the civil court before which they have filed a suit as most of the allottees were not co-operating in formation of association. There are 1018 defendants in the said suit.

She also stated that O.C. has been received for the project Eden City Maheshtala Phase - I during the period 2012 to 2022. She could not stated anything about the C.C of the project.

After hearing both the parties, the Authority is hereby pleased to give the following directions:-

a) Respondent shall submit a **Supplementary Affidavit** stating that whether the project Eden City Maheshtala - Phase I has received C.C or not? if yes, then the date of issuing of the C.C and if the C.C has not been issued before the enforcement of RERA Act in May 2017, then the project is liable to be mandatorily registered before the WBRERA Authority. Respondent has to state in his Affidavit why they have not registered the project with the WBRERA Authority ? Respondent shall also state the details of the steps they have taken for formation of Association, stating the number and date of submission of Application before the Competent Authority under the West Bengal Apartment Ownership Act, 1972; and

b) The Respondent shall take all necessary steps to complete the process of formation of Association of Allottees within **90 days** from the date of receipt of this order of the Authority through email; and

c) The Complainant is directed to send a copy of his Application dated 11.09.2024 under section 35 of the said Act to the Respondent and to the Advocate of the Respondent, both in hard and scan copies, within **7 days** from the date of receipt of this order of the Authority

through email; and

d) The Respondent shall submit their Written Response against the Application dated 11.09.2024 of the Complainant as per section 35 read with section 36 of the said Act, for stay of construction and stay of sale of flats in the project Eden City Maheshtala – Phase I, within **21 days** from the date of receipt of this order of the Authority through email.

The matter shall be reviewed on the next date of hearing.

Fix **27.05.2025** for further hearing and order.


(BHOLANATH DAS)

Member
West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority