

D/L 40
02.04.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 4089 of 2024

Nataraj Basu
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu
Mr. Samik Sarkar

...for the Petitioner.

Mr. Amal Kr. Sen
Mr. Lal Mohan Basu

...for the State.

Mr. Sabir Ahmed
Mr. Quazi Ezaz Ahmed
Mr. Dhiman Banerjee
Mr. T. Ahmed

...for the Respondent nos. 4-6.

1. Learned advocate representing the respondent no. 2, the competent authority under the West Bengal Apartment Ownership Act, 1972 has submitted before this Court that, notice has been issued to the President of the Apartment Owners' Association to submit a reply to the complaint which was made by the petitioner within a fortnight from the date of receiving the same. The time period for filing the reply has expired but no reply has yet been filed by the President.
2. A report has been filed on behalf of the Apartment Owners' Association.
3. Learned advocate representing the Association submits that, the notice submitted before the Court by the competent authority was not received by the Association.
4. Learned advocate representing the petitioner seeks to file an exception to the report that has been filed by the Apartment Owners' Association.

5. As it appears that, the complaint of the petitioner has already been processed by the competent authority accordingly, the competent authority is directed to deal with the same in accordance with law.
6. A copy of the notice dated 13th March, 2025 and the copy of the complaint filed by the petitioner has been handed over to the learned advocate representing the Association. It will be open for the President of the Association to respond to the said complaint within a period of fifteen days from date.
7. The competent authority shall decide the issue after giving reasonable opportunity of hearing to all the necessary parties including the petitioner and dispose of the complaint by passing a reasoned order at the earliest but positively within a period of eight weeks from date.
8. It will be open for all the parties to raise all issues and place documents in support of their respective stand before the competent authority. At the time of hearing before the competent authority the petitioner shall be permitted to take objection to the report that has been filed by the Association before the Court today.
9. The competent authority may take help of engineering experts, if situation so demands.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)