

S/L 43
30.04.2026
Court. No. 25
Sourav

WPA 3504 of 2026

**M/s. Fortune Park Housing Projects Ptv. Ltd. & Anr.
Vs.
State of West Bengal & Ors.**

*Mr. Satadeep Bhattacharyya
Mr. Saptarshi Datta
Ms. Sriparna Mitra
Ms. Srinjita Ghosh
Mr. Pourush Kanti Pal
Mr. Debdut Hou*

...for the petitioner.

*Mr. Wasim Ahmed
Md. Shehabuddin*

...for the State.

*Mr. Satyam Mukherjee
Mr. Purnendu Shekhar Ghosh
Mr. Saibal Rakshit*

...for the respondent no. 4.

1. The affidavit-of-service filed in Court today be kept with the record.
2. On the earlier round of litigation, this Court by an order dated December 1, 2023 disposed of WPA 25143 of 2023 by passing the following order:

“24. Accordingly, W.P.A. No. 25143 of 2023 is allowed on contest, thereby setting aside the decision of the Competent Authority to accept the declaration and Form-A submitted by the respondent-Association as well as the registration of the Association consequent thereto. The Competent Authority shall revisit the issue by re-deciding on the Form-A and declaration submitted by the respondent-Association by giving a prior notice to all concerned, including the present petitioners.

25. Upon such notice being adequately given, an opportunity of representation and hearing shall be given to all concerned, including the petitioners, and a fresh decision in that regard shall be taken by the Competent Authority.”

3. In terms of the order passed by this Court dated December 1, 2023, the Special Secretary and Competent Authority has passed the following order on January 17, 2024:

“In compliance with the order, dated 01-12-2023, passed by the Hon’ble High Court at Calcutta in WPA No. 25143 of 2023 in the matter of M/s. Fortune Park Projects Ltd. Vs. Fortune Township Association of Apartment Owners & Ors. this Authority convened a HEARING on 27-12-2023 wherein Mr. Rajarshi Ghosh and Mr. Chandrasekhar Prasad Pandey appeared on behalf of the Petitioner Company. M/s. Fortune Park Projects Ltd. (the Developer) and Fortune Township Association of Apartment Owners (the Association) represented by Mr. S. K. Gupta, President.

This Authority heard both the parties at length and examined the relevant documents that substantiate the demand for the incorporation of necessary amendment in the declaration exists in the accepted Form A. The Association also accepted the proposed amendment.

The company requested this Authority for an intervention in the issue of outstanding ‘Common Area Maintenance Charge’ the Apartment owners owe to the Developer.

In reply the Competent Authority expresses its jurisdictional limitation to make decision on the matter of outstanding ‘Common Area Maintenance Charge’ for a period prior to the registration of the Association.

In view of the above, the parties are hereby directed to initiate the process for amending the Declaration already accepted by this Authority in the prescribed manner as laid down in the West Bengal Apartment Ownership Act, 1972 and Rules made thereunder.”

4. After the order dated January 17, 2024, the respondent no. 3 has submitted Form B to the Competent Authority but till date the Competent Authority has not taken any decision after receipt of Form B and the same is pending before the Competent Authority i.e., the respondent no. 2.
5. Considering the above, this Court finds that no purpose could be served by keeping the writ petition pending. Accordingly, the respondent no. 2 is directed to take appropriate steps with regard to the acceptance of Form B submitted by the respondent no. 3 by giving an opportunity of hearing to all the concerned parties within a period of four weeks from the date of receipt of this order and shall pass a speaking and reasoned order.
6. As this Court has disposed of the writ application at the 'Motion' stage and not call for the affidavit-in-opposition, the allegation made in the writ application is deemed to have been denied.
7. **WPA 3504 of 2026** is disposed of.
8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.
9. Leave is granted to the advocate on record of the petitioner to correct the cause title with regard to the District in course of this day.

(Krishna Rao, J.)