

Government of West Bengal

Housing Department

Law & Statutory Cell

New Secretariat Buildings

1, Kiran Shankar Roy Road

Kolkata 700001

Email:- cawbaoa1972@gmail.com

HO-23012(11)/9/2022-APARTT CELL-Dept. of HO

Date:- 16.08.2022

Order

This authority has received a letter dated **14/06/2022** from the **Smt. Pervin Sultana**, a member of **Starlit Housing Owners' Association**, an Association registered under the **West Bengal Apartment Ownership Act, 1972** (the Act) wherein she stated that the President of the Association has demanded **Rs. 20,000/-** for registering her name in the Members' List and also demanded **Rs. 4000/-** from other apartment owners who were allotted flats through lottery along with her in 2019. (Copy enclosed).

The law regarding membership of the Association is provided in **bye-law 3** of the **West Bengal Apartment Ownership Bye-laws, 2022** (the Bye-laws). Bye-law 3 reads:-

“3. Formation of the Association.–(1) (a) There shall be, in respect of each property, an Association, and each apartment owner of such property is a member of such Association.”

[Emphasis supplied]

Smt. Pervin Sultana is an owner of **apartment No 18/2** along with **Open Car Parking Space No 143** at **Starlit Housing Project, New Town Kolkata**. Hence she is a member of the Association. No money can be demanded as membership fees from Smt. Pervin Sultana or any other apartment owner of

Starlit Housing Complex. The Bye-laws have no provision for demanding money as membership fees from the apartment owners.. Demanding money for registering an apartment owner's name in the Members' List is in violation of the Bye-laws and is an offence as per the Bye-laws.

In view of the facts and legal provision narrated herein above this Authority is of the opinion that the function of the President of the Association is detrimental to the interest of the apartment owners and it is against the public interest.

Now in exercise of powers conferred by sub-section (2) of section 16B of the Act this authority hereby gives **notice** to the President of the Starlit Housing Owners' Association to show cause by **30.08.2022** as to why he **should not be removed** from the office of President of Starlit Housing Owners' Association for violation of the Bye-laws.

The reply shall be sent to the following email cawbaoa1972@gmail.com.

Sd/- Debasis Ghosh

Competent Authority
under the West Bengal Apartment Ownership Act, 1972

Copy forwarded for information and necessary actions: -

1. Smt. Pervin Sultana, Member, Starlit Housing Owners' Association.

2. The President,

Starlit Housing Owners' Association,
Starlit Housing Complex, New Town, Kolkata-700161



(Debasis Ghosh)

Competent Authority
under the West Bengal Apartment Ownership Act, 1972