

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

Application for Revocation no. – WBRERA/Revocation-01/2024

Anirban Baidya..... Complainant

Vs

Ganguly Evera Developers LLP..... Opposite Party

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 25.10.2024	<p>Advocate Subhrajyoti Dey (Mobile – 9674085255 and Email – advsid91@gmail.com) and Advocate Abhro Gupta are present on behalf of the Complainant filing vakalatnama and signed the Attendance Sheet.</p> <p>Respondent is absent despite due service of hearing notice to the Respondent through email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Respondent has sent an email communication dated 25.10.2024, stating that due to inclement weather in the Kolkata today due to cyclonic storm, they could not appear physically in person before this Authority and prayed for adjournment of today's hearing.</p> <p>They also stated in the said email communication that the Respondent has preferred two Appeals before the Hon'ble West Bengal Real Estate Appellate Tribunal (in short WBREAT), bearing no. WBREAT/APPEAL No.23 of 2024 challenging the order of this Authority dated 10.09.2024 and bearing no. WBREAT/Appeal No.27 of 2024 challenging the order of this Authority dated 11.09.2024 passed by this Authority in this matter.</p> <p>Hon'ble WBREAT vide its order dated 26.09.2024 declined to pass any order of stay as prayed by the Respondent-Developer in both the two Appeals lodged by the Respondent.</p> <p>Respondent also stated that against the said two orders dated 26.09.2024 passed by Hon'ble WBREAT in those two Appeals, as mentioned above, the Respondent preferred two Appeals under section 58 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'RERA Act') before the Hon'ble High Court at Calcutta, which</p>	

are registered as S.M.A.T No. 04 of 2024 and S.M.A.T No. 05 of 2024.

In the said email communication, as mentioned above, the Respondent prayed for adjournment of today's hearing till disposal of the Appeals filed by them before the Hon'ble High Court at Calcutta.

Let the said email communication of the Respondent be taken on record.

Complainant submitted Notarized Affidavit dated 17.09.2024, containing their total submission regarding this Complaint Petition, as per the last order of the Authority dated 11.09.2024, which has been received by this Authority on 18.09.2024.

Let the said Affidavit of the Complainant be taken on record.

Respondent did not submit any Affidavit till date as per the last order of the Authority dated 11.09.2024.

Complainant at the time of hearing today submitted an Application for extension of the interim order dated 11.09.2024 read with the order dated 10.09.2024 passed by this Authority.

Let the said Application of the Complainant be taken on record.

Heard the Complainant in detail.

Complainant stated that they have sent a scan copy of his Affidavit to the Respondent through email but they did not send the hard copy of the same to the Respondent.

As per the Complainant, till today the said two Appeals filed by the Respondent before the Hon'ble High Court have not been admitted by the said Court and no stay order(s) have been passed by the said court therefore this Authority is at liberty, as per law, to proceed with the hearing of this matter today.


Complainant prayed for extension of the interim order dated 11.09.2024 read with order dated 10.09.2024 passed in this matter, till the disposal of this matter.

The Authority is of the considered opinion that the stay order passed on 11.09.2024 read with 10.09.2024 is required to be continued to protect the interest of the existing Allottees and the prospective home buyers / Allottees of the subject matter project. As the project land has been transferred by an infructuous Power of Attorney, as alleged by the Applicant / Complainant and as prima facie appears to this Authority, therefore, without examination of all the Affidavits and documents placed alongwith the Affidavits by both the parties, construction should not be continued in the subject matter project.

After hearing the Complainant and taking into consideration the Affidavit and Application for Extension of the Complainant and email communication dated 25.10.2024 of the Respondent, the Authority is hereby pleased to give the following directions:-

- a) The Stay order on construction and related activities on the subject matter project dated 11.09.2024 read with 10.09.2024 shall continue to be remain in force until further order or till disposal of this matter, whichever is earlier; and
- b) The Complainant shall send a hard copy of his Affidavit to the Respondent, as per **direction (c)** of the last order of this Authority dated 11.09.2024, within **3 (three) days** from the date of receipt of this order of the Authority through email; and
- c) The Respondent shall submit its **Written Response on Notarized Affidavit** , as per **direction (d)** of the order of this Authority dated 11.09.2024, within **7 (seven) days** from the date of receipt of hard copy of the Affidavit of the Complainant; and
- d) The Complainant shall submit a **Rejoinder on Notarized Affidavit** to the Written Response of the Respondent, as per **direction (e)** of the last order of this Authority dated 11.09.2024, within **7 (seven) days** from the date of receipt of the Written Response of the Respondent, either through post or by email, whichever is earlier.

Fix **27.11.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority