

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

Complaint No. COM000548(erstwhile WBHIRA)

Amalesh Kumar Complainant

Vs.

MKHS Housing LLP & Hemont Kumar Sikaria

& Anurag Gupta & Astha Khetan & Kamal Chopra..... Respondents

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
06 31.07.2023	<p>Complainant is present in the online hearing. He is directed to submit his hazira through email to the Authority immediately after receiving this order.</p> <p>Advocate Anwar Landge and Authorized Representatives of MKHS Housing LLP, Smt. Avantika Roy are present in the online hearing on behalf of the Respondents. They are directed to file hazira and Authorization/Vakalatnama through email to the Authority immediately after receiving this order.</p> <p>It may be mentioned here that WBHIRA was struck down by Hon'ble Supreme Court of India by an order dated 04.05.2021.</p> <p>Subsequently, by the Order of the Hon'ble Supreme Court dated 12.05.2023 in the Case No. Special Leave to Appeal (C) No(s). 16908/2022 in the matter of Saptaparna Ray Vs. District Magistrate North 24 Parganas & Ors., the Apex Court has been pleased to direct-</p> <p><i>"This Court observed that the "striking down of WB-HIRA will not affect the registrations, sanctions and permissions previously granted under the legislation prior to the date of this judgment". This principle shall also apply to orders which were passed whether in original or in the course of execution prior to the date</i></p>	

of the judgment. All such orders shall be executed in accordance with law, as if they were issued under the RERA.

Moreover, we clarify that all complaints which were filed before the erstwhile authority constituted under WB-HIRA shall stand transferred to and be disposed of in accordance with law by the authority which is constituted under the Central Act. Any person aggrieved by an order passed under WB-HIRA will be at liberty to pursue the corresponding remedy which is available under the RERA.”

Therefore, as per the above direction of the Hon’ble Supreme Court, the Complaint no.COM000548 already stand transferred before this Authority.

Heard both the parties in detail.

At the time of hearing today, Complainant submitted that the Respondent have not complied the final order of the Authority dated 30.04.2021 in this matter and therefore he submitted a prayer for execution of the said order, on 03.07.2023 before the Authority.

Let the prayer for execution of the Complainant dated 03.07.2023 be taken on record.

Today the matter has been taken for execution hearing of the order dated 30.04.2021 of this Authority in this matter.

The advocate of the Respondent stated that he needs some time to submit Written Response against the execution application of the Complainant.

The prayer of the Respondent is hereby considered and granted.

The Respondent is hereby directed to submit his Written Response on notarized affidavit to the execution application dated 03.07.2023 of the Complainant and send the Affidavit to

the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 7 days from the date of receipt of this order of the Authority.

Let a copy of the execution application of the Complainant dated 03.07.2023 and a copy of order of this Authority dated 30.04.2021 be annexed with this order and send to both the parties by speed post and also by email immediately.

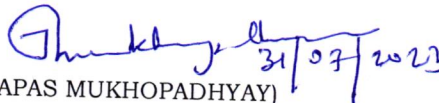
Fix **22.08.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority