

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

Complaint No. WBRERA/COM000207 & 000211 and COM 000050 (erstwhile WBHIRA)

Madan Kumar Choubey..... Complainant

Vs.

Durgapur Real Estate Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 <u>21.11.2023</u>	<p>Advocate of the Complainant Shri Ghanshyamdas Harbhajanka (Mob. No.9830607235 &amp; email Id- gdharbhajanka01@gmail.com) is present in the online hearing filing hazira and vakalatnama through email.</p> <p>Respondent is absent in the online hearing today despite due service of hearing notice through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be taken on record.</p> <p>The Respondent submitted a petition for adjournment dated 17.11.2023, which has been received by this Authority on 17.11.2023, praying for adjournment of today's hearing on medical ground of the Respondent.</p> <p>Let the said adjournment petition of the Respondent be taken on record.</p> <p>Considered and rejected the prayer of the Respondent as today is fixed for Admission Hearing and Complainant is present. On the date of Admission Hearing, presence of Respondent may be dispensed with by this Authority.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant submitted that he has instituted a Complaint case before erstwhile WBHIRA and the said Complaint Case bearing No. COM000050 was heard by the erstwhile WBHIRA Authority. The last order in the said Complaint case was passed by WBHIRA on 29.04.2021. Subsequently, WBHIRA was stuck down by the Hon'ble Supreme Court on 4th May, 2021.</p>	

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-

*"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 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, this Authority shall now proceed with the hearing of the Complaint Case No. COM000050 from the stage up to which hearing was conducted by the WBHIRA Authority and the next date of hearing of the said matter is hereby fixed on 15.12.2023.

As the parties and cause of action of both the Complaint Cases are same consequently, the hearing of this instant Complaint Cases bearing No. WBRERA/COM 000207 & WBRERA/COM 000211 are hereby closed on the ground that this Authority shall now proceed with the hearing of the above mentioned Complaint Case No. COM000050.

Fix 15.12.2023 for the next date of further hearing and order for the Complaint Case No. COM000050 instituted under the erstwhile WBHIRA and the hearing shall be done physically in the office of WBRERA.



(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