

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

Complaint No. WBRERA/COM000209

Nidhi Khattar..... Complainant

Vs.

Vedic Realty Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and Signature of Authority	Note of action taken on order
01 21.11.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Ritaja Mukherjee (Mob. No. 9038134542 & email Id-ritaja.mukherjee29@gmail.com) is present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>The Complainant submitted that he has instituted a Complaint case before erstwhile WBHIRA and the said Complaint Case bearing No. COM000362 was heard by the erstwhile WBHIRA Authority. The final order in the said Complaint case was passed by WBHIRA on 27.04.2021. Subsequently, WBHIRA was stuck down by the Hon'ble Supreme Court on 4th May, 2021.</p> <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-</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 of the judgment. All such orders shall be executed in accordance with law, as if they were issued under the RERA.</i></p> <p><i>Moreover, we clarify that all complaints which were filed before</i></p>	

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. COM000362 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 Case bearing No. WBRERA/COM 000209 is hereby closed and this case is hereby disposed of on the ground that this Authority shall proceed with the hearing of the above mentioned Complaint Case No. COM000362.

An Execution Application dated 12.07.2021 was submitted by the Complainant when WBHIRA was already struck down and WBRERA not yet constituted, therefore this Execution Application cannot be taken into record by this Authority.

Therefore, the Complainant is hereby directed to submit an Execution Application afresh to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 10 days from the date of receipt of this order of the Authority by email.

Fix **15.12.2023** for the next date of hearing and order for the Complaint Case No. COM000362 instituted under the erstwhile WBHIRA.



(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