

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

Complaint No.WBRERA/COM 000874

Madan Kumar Chaubey Complainant

Vs.

Durgapur Real Estate Private Limited Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 (Execution) 16.07.2025	Today is the 1st day of Execution Hearing of this matter and the final order was passed on 11.02.2025. Advocate Mr. Subhro Kani Roy Chowdhury is present in the hearing through online mode on behalf of the Complainant filing hazira through email. Respondent is absent despite due service of hearing notice through email. Let the track record of due service of hearing notice be kept on record. Respondent sent an email communication dated 15.07.2025 at 6.51 p.m. stating that they have appealed against the final order of the Authority before West Bengal Real Estate Appellate Tribunal wherein they were directed to deposit full amount of claim as per section 43 of RERA Act. They further appealed before the Hon'ble High Court at Calcutta through a Writ Petition under article 226 of the Constitution of India vide WPA No.1124 of 2025. However the Respondent could not furnish any order of stay either from WBREAT or from Hon'ble High Court at Calcutta. Hence, this Authority is proceeding with this execution hearing. Heard the Complainant in detail. The complainant stated that they have not received any payment as directed by the Authority vide order dated 11.02.2025 and they prayed for early execution of the said order. After hearing the Complainant, the Authority is of the opinion that the Respondent is not paying any heed to the order of the Authority and they are totally violating the order. The Complainant was appraised at the time of hearing that the order	

dated 11.02.2025 may be executed either by the provision of Rule 25 of the Real Estate (Regulation and Development) Rules, 2021 by sending it to the concerned District Magistrate for recovery of the amount due as per the provisions of Bengal Public Demands Recovery Act, 1913 or it may be sent to the Principle Civil Court having jurisdiction to execute the same as per the provisions of Rule 26 of the said Rules.

The Complainant consented for sending this matter for execution to the District Magistrate of the concerned District in whose jurisdiction the said property is situated, as per the provisions contained in section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021.

Therefore, this Authority is hereby pleased to send this matter for execution to the District Magistrate of Paschim Bardhaman to execute this order as per section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021. As per rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, the amounts due shall be recovered by the concerned District Magistrate as arrears of land revenue and shall be recovered in the manner provided in the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3 of 1913) for depositing the same in favour of the Complainant.

The Secretary, West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to send certified copies of this execution order along with final order dated 11.02.2025 along with copy of the Complaint Petition to the District Magistrate of Paschim Bardhaman, within 7 (seven) days from today, requesting him to initiate a Certificate Case under the Bengal Public Demand Recovery Act, 1913, as per this order of the Authority.

The District Magistrate Paschim Bardhaman, is to execute the order dated 11.02.2025 in WBREERA/COM000874 passed by this Authority, as per the provisions contained in rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, within a month from the date of receipt of the certified copy of the order dated 11.02.2025 and other documents from the Secretary, WBREERA and send the compliance report to this Authority within six weeks.

It should be mentioned here that in a similar case, the Hon'ble Supreme Court of India, in petition for Special Leave to Appeal (C) No.16908/22, has been pleased to order as follows:-

"We direct, that the Authority shall proceed to execute the order which has been passed in favor of petition expeditiously, within a month from the date of receipt of a certified copy of this order by the executing forum".

As the present matter is similar to that of the matter heard by the Supreme Court of India, as mentioned above, therefore, the Authority directs the District Magistrate of Paschim Bardhaman, to take necessary action to execute this order within a month from the date of receipt of certified copy of this order

Supreme Court of India, as mentioned above, therefore, the Authority directs the District Magistrate of Paschim Bardhaman, to take necessary action to execute this order within a month from the date of receipt of certified copy of this order along with other papers and documents from this Authority.

Complainant is at liberty to pursue this matter with the office of the District Magistrate, Paschim Bardhaman to get refund of the amount as per the order of the Authority.

Let the copy of this order be served to both the parties by speed post and also by email immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority