

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

Complaint No. WBRERA/COM000192 & COM000379(erstwhile WBHIRA)

Aniruddha Nayak Complainant

Vs.

Dharitri Infraventure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 04.09.2023	<p>Complainant (email ID: nayak.aniruddha@gmail.com) is present in the online hearing filing hazira through email.</p> <p>Advocate Sayantani Das (email ID: legalquery@dharitri-infra.com) is present in the online hearing on behalf of the Respondent. She is directed to send her hazira and vakalatnama through email immediately after today's hearing.</p> <p>At the time of hearing, it came to the notice of the Authority that on the selfsame matter, the Complainant had filed a Complaint case bearing number COM000379 before the erstwhile WBHIRA Authority .The said matter was admitted for hearing by the erstwhile WBHIRA Authority and it was last heard on 04.02.2021. Later on WBHIRA Authority was struck down by the Hon'ble Supreme Court of India vide order dated 04.05.2021.</p> <p>It should be mentioned here that 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>	

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. COM000379 stand transferred to this Authority. On the selfsame matter the present Complaint bearing no. WBRERA/COM000192 has been filed by the Complainant. As the hearing of the earlier Complaint no. COM 000379 was not fully completed by the erstwhile WBHIRA Authority but a considerable progress was made on the same, this Authority is hereby pleased to close and dismiss the Complaint no. WBRERA/COM 000192 and now shall proceed with hearing of the previous Complaint Petition bearing no. COM000379.

Heard both the parties in detail.

In order No. 02 dated 04.02.2021 of the erstwhile WBHIRA, the Authority was pleased to direct the Complainant to submit his total submission regarding his Complaint Petition and a chart containing details of total payment made by him on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 3 (three) weeks from the date of receipt of this order through email.

And similarly the Respondent was directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 3 (three) weeks from the date of receipt of the Affidavit of the Complainant.

Today, at the time of hearing, it is found that the Complainant had duly complied with the order dated 04.02.2021 and submitted the Affidavit as asked for but the Respondent did

not submit any Affidavit as per order of the Authority dated 04.02.2021 as he did not receive any copy of affidavit from the Complainant.


Hence, the Complainant is directed to submit the copy of the Affidavit dated 19.02.2021 to the Respondent, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of this order of the Authority through email.

And the Respondent is directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and affidavit of the Complainant annexing authenticated copy of supporting documents, if any and send the original Affidavit to the Authority, serving a copy of the same to the Complainant, within 15 (fifteen) days from the date of receipt of the Affidavit of the Complainant through email or by post whichever is earlier.

Fix **07.11.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority