

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

Complaint No.COM000160 (erstwhile WBHIRA)

Qazi Fahim AhmedComplainant

Vs

KGN Construction..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Execution (01) ----- 03.04.2024	<p>Today the matter is taken up for Execution hearing of the final order dated 28.01.2021 passed by erstwhile WBHIRA Authority in this Complaint matter.</p> <p>Complainant is present in the physical hearing and signed the attendance sheet.</p> <p>Advocate Partha Chakraborty is present in physical hearing on behalf of the Respondent Company filing vakalatnama and signed the Attendance Sheet. He also submitted a petition praying for a short time to comply the order of Hon'ble West Bengal Real Estate Appellate Tribunal (WBREAT) dated 04.10.2023 and order of erstwhile WBHIRA dated 28.01.2021 passed in this matter.</p> <p>Let the copy of this petition of the Respondent be taken on record.</p> <p>Complainant submitted on 29.11.2023 an Application for Execution of the order of Hon'ble WBREAT in Appeal no. 05/2023 on 04.10.2023 and final order of erstwhile WBHIRA in this Complaint matter COM 000160 dated 28.01.2021, which has been received by this Authority on 30.11.2023.</p> <p>Let the Execution Application submitted by Complainant dated 29.11.2023 be taken on record.</p> <p>It should be mentioned here that by the Order of the Hon'ble Supreme</p>	

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 the Complaint no. COM 000160 stand transferred to this Authority and this Authority shall now proceed with execution hearing of the final order dated 28.01.2021 passed by erstwhile WBHIRA in this present Complaint Petition bearing no. COM 000160 and execution of the order of Hon'ble WBREAT in Appeal no. 05/2023 dated 04.10.2023, as per the direction of the Hon'ble Tribunal in the said order.

Heard both the parties in detail.

As per the request of the Advocate of the Respondent some time is hereby granted to the Respondent to comply the orders as mentioned above.

After hearing both the parties, the Authority is pleased to give the following directions:-

- a) The Respondent is hereby directed to comply the order of Hon'ble WBREAT in Appeal No. 05/2023 dated 04.10.2023 and order of erstwhile WBHIRA in COM 000160 dated 28.01.2021 and deliver possession of one covered car parking space booked by the

Complainant within 31.05.2024 and complete the registration of the said covered car parking space alongwith flat within 30.06.2024.

- b) The Respondent is further directed to deposit the fine of Rs.1,000/-(one thousand only) for every day delay, as directed by the Hon'ble WBREAT in its order dated 04.10.2023, starting from 04.12.2023 till the date of registration of the subject matter flat and subject matter covered car parking space in favour of the Complainant and deposit the amount of fine in the Bank Account of the WBRERA as given below:

Account Name: West Bengal Real Estate Regulatory Authority

Account Number: 00000040777384369.

Branch : Specialized Institutional Banking, Kolkata

IFS Code: SBIN0014524

MICR Code: 700002404.

The Authority shall review the matter on the next date of hearing.

Fix **09.07.2024** 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