

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

Complaint No.WBRERA/COM000055

Manikuntal DasComplainant

Vs

Evanie Infrastructure Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
(1) Execution ----- 12.03.2024	<p>Today is the 1st day of Execution Hearing of this matter. The final order of this matter was passed on 23.06.2023.</p> <p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also through email.</p> <p>Let the track record of the due service of the hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant submitted today at the time of hearing that no amount has been refunded by the Respondent till today and he prayed for immediate Execution of the matter as per the provisions of Real Estate (Regulation & Development) Act, 2016 and Rules made thereunder.</p> <p>The Complainant was apprised at the time of hearing that the order dated 23.06.2023 may be executed either by the provision of Rule 25 of the West Bengal Real Estate (Regulation & 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.</p> <p>The Complainant consented for sending this matter for execution to the</p>	

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 North 24-Parganas 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 as provided in the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3 of 1913).

The Secretary, West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to send certified copies of final orders of this Authority dated 23.06.2023 in this matter alongwith the present order, annexing therewith copy of the Complaint Petition, to the District Magistrate of North 24-Parganas, within 15 days from today, requesting the concerned District Magistrate to initiate a Certificate Case under the Bengal Public Demands Recovery Act, 1913, as per this order of the Authority.

The District Magistrate of North 24-Parganas, is hereby further directed to execute the order dated 23.06.2023 in WBREERA/COM00055 passed by this Authority, as per the provisions contained in rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, within four (04) weeks from the date of receipt of the certified copy of the order dated 23.06.2023 and other documents from the Secretary, WBREERA and send the compliance report to this Authority within six weeks.

As the order dated 23.06.2023 has not been fully complied by the Respondent, therefore, the Authority has no other option but to impose penalty of Rs.5,00,000/- (Rupees Five Lakhs Only) to the Respondent as per the provisions contained in section 38 read with section 61 of the Real Estate (Regulation & Development) Act, 2016, and it shall be paid by the Respondent to the bank account of the WBREERA by bank transfer, within four (04) weeks from the date of receipt of this order. The Bank Account details of this Authority is given below:-

Account Name: WEST BENGAL REAL ESTATE REGULATORY AUTHORITY
 Account No. 00000040777384369
 Bank Name: State Bank of India.
 IFSC Code: SBIN0014524
 Branch : Specialised Institutional Banking, Kolkata.

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 on 12.05.2023, has been pleased to order as follows;-

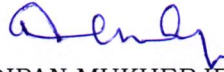
"We direct, that the authority shall proceed to execute the order which has been passed in favour of petition expeditiously, within a month from the date of receipt of a certified copy of this order by the executing forum".

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 North 24-Parganas, to take necessary action to execute this order within 4 weeks from the date of receipt of certified copy of this order along with other papers and documents from the Secretary WBRERA.

Complainant is at liberty to pursue with this matter in the office of the District Magistrate, North 24-Parganas to get the payment as per the order of the Authority dated 23.06.2023.

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

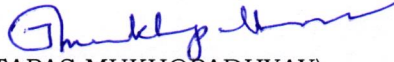
Fix this Execution Case in the list of cases in the month of **June, 2024**, for report and compliance.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority