

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

Complaint No. WBRERA/COM 000338

Suchismita De Complainant

Vs

Joydeep Majumder Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution 02 30.05.2025	Today is the 2nd day of Execution Hearing. Dr. Biswanath Dey, Authorized Representative, of the Complainant is present in today's hearing physically and signed the Attendance Sheet. Advocate Bodhisattya Halder is present in the hearing physically on behalf of the Respondent and signed the Attendance Sheet. The Complainant stated that the order of the Authority dated 30.01.2024 has not been complied with by the Respondent. They preferred an appeal before the West Bengal Real Estate Appellate Tribunal, against the said order of the Authority vide Appeal Petition No. WBREAT/APPEAL No-007/2024 and the Ld. Tribunal in its order dated 17.09.2024 disposed of the Appeal Petition with following directions:- " The Appellant is directed to obtain completion Certificate as well as the Occupancy certificate from the concerned municipal authority immediately and after issuing notice of delivery of possession, the Respondent shall deliver possession of the flat together with a car parking space to him immediately thereafter. The Appellant is directed to pay the interest at SBI PLR + 2% per annum, on the amount of Rs. 3170286/- for the period starting from 24.12.2022 till the date of delivery of possession of the flat to the Respondent/Complainant. The Respondent is directed to pay the balance amount of Rs. 2284527/- to the Appellant before or on the date of delivery of possession of the flat together with a car parking space. With such directions the impugned order passed by the Ld. Regulatory Authority stands modified." The Complainant also stated that the Respondent preferred an Appeal against the said order passed by the Ld. Tribunal, before Hon'ble High Court Calcutta vide SMAT 5 of 2025 with CAN 1 of 2025 and Hon'ble Justice Sabyasachi Bhattacharya and Hon'ble Justice Uday Kumar was	

pleased to dismissed the said Appeal Petition without any order as to costs.

The Complainant also stated that he got refund of Rs. 707114/- from the Respondent as delay interest amount after dismissal of the appeal Petition by the Hon'ble High Court at Calcutta. He prayed before the Authority for immediate compliance of the order passed by the Ld. Tribunal on 17.09.2024, vide Appeal Petition No. WBREAT/APPEAL No-007/2024.

The Ld. Advocate on behalf of the Respondent stated that they will file SLP before the Apex Court and prayed more time for the same. He also stated that the Appeal before the Apex Court has not been submitted as on date and therefore, he is not in a position to submit any documents relating to this before the Authority.

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

- A. The Respondent shall comply the order of the Ld. Tribunal vide Appeal Petition No. WBREAT/APPEAL No-007/2024 within **30 days** from the date of receipt of this order of the Authority.
- B. If the Respondent fails to comply with the above mentioned order, Respondent Shree Joydeep Majumder, shall appear before the Authority in person and to show cause, why stringent action will not be taken against him for violation of the relevant section Real Estate(Regulation and Development) Act, 2016.

Fix **09.07.2025** for further hearing and order.

Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority