

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

Complaint No.WBRERA/COM(PHYSICAL)000007

Snehansu Kumar Nag .....Complainant

Vs.

Soumita Construction Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
(1) Execution ----- 31.05.2023	<p>Today this matter is taken up for Execution Hearing. The final order of this matter was passed on 02.02.2023</p> <p>The Complainant has filed an application for Execution of the said order of the Authority on 06.04.2023. The Execution application has been received by the Authority on 10.04.2023.</p> <p>Let the said Execution application of the Complainant be taken on record.</p> <p>Complainant is present in the physical hearing today.</p> <p>Advocate Masooma Khan is also present in the physical hearing on behalf of the Respondent, being the Authorized Representative of the Respondent.</p> <p>Complainant submitted today at the time of hearing that only Rs.2,00,000/-(Rupees two lakhs only) has been refunded by the Respondent after the final order of the Authority dated 02.02.2023 and the remaining amount required to be refunded by the Respondent is Rs.14,91,389/-(Rupees fourteen lakhs ninety-one thousand three hundred eighty-nine only).</p>	

The Advocate of the Respondent present in the hearing submitted the proposal that one month time is kindly to be granted to the Respondent to refund the remaining amount in two instalments.

The Complainant refused to consent to this proposal of the Advocate of the Respondent and he requested to send 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.

As the Complainant did not give consent to the proposal of the Advocate of the Respondent to provide one month time to the Respondent to comply the order, therefore, this Authority is hereby pleased to send this matter for execution to the District Magistrate of South 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 provided in the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3 of 1913).

The Secretary, West Bengal Real Estate Regulatory Authority (WBRERA), is hereby directed to send certified copies of orders of this Authority dated 31.05.2023, 02.02.2023 and 11.01.2023 in this matter alongwith copy of the Complaint Petition, Affidavit of the Complainant and Affidavit of the Respondent, to the District Magistrate of South 24-Parganas, within 10 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 South 24-Parganas, is hereby directed to execute the order dated 02.02.2023 in WBRERA/COM(PHYSICAL)000007 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 02.02.2023 and other documents from the Secretary, WBRERA and send the compliance report to this Authority within six weeks.

As the order dated 02.02.2023 has not been fully complied by the Respondent, therefore, the Authority has no other option but to impose penalty of Rs.1,00,000/- (Rupees one lakh) only to the Respondent as per the provisions contained in section 63 of the Real Estate (Regulation & Development) Act, 2016, and it shall be paid to the bank account of the WBRERA 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, 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 South 24-

Parganas, 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 with this matter in the office of the District Magistrate, South 24-Parganas to get refund of the remaining amount as per the order of the Authority dated 02.02.2023.

Let the 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 August' 2023, for report and compliance.



(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