

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

Complaint No. WBRERA/COM000073

Smarajit Kotal.....Complainant

Vs.

Dharitri Infraventure Private Limited.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 06.06.2023	<p>Mrs. Sumouli Das, wife of the Complainant and also joint allottee of the subject matter property is present in the online hearing filing hazira through email.</p> <p>Mr. Suman Paul Chowdhury is present in the online hearing on behalf of the Respondent, being its Authorized Representative.</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 COM000265 before the erstwhile WBHIRA Authority. The said matter was last heard on 04.03.2021 by the erstwhile WBHIRA Authority. After that WBHIRA was struck down by Hon'ble Supreme Court of India by an 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</i></p>	

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 and after hearing both the parties, this Authority is hereby pleased to take up the Complaint Petition bearing no. **COM000265** for further hearing and order. This Authority shall continue the hearing, from the stage upto which the erstwhile WBHIRA has conducted the hearing till 04.03.2021.

Let the hearing of the present Complaint Petition bearing no. **WBREERA/COM 000073** is hereby closed and disposed of as it has been filed on selfsame matter as that of **COM 000265**.

The Authority now shall proceed with hearing of **COM000265**.

As per the prayer of the Complainant, Let Mrs. Sumouli Das be considered and recorded as joint Complainant alongwith Mr. Smarajit Kotal.

The Complainant categorically stated in the hearing that they want refund of the total money paid by them.

The Respondent is hereby directed to submit a Written Response on Notarized Affidavit stating specifically about the refund to be made by the Respondent as claimed by the Complainant and send the Affidavit to the Authority serving a copy of the same to the Complainant, within 15 days from the date of receipt of this order through email.

Fix 21.07.2023 for further hearing and order.

sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

certified to be true copy.

Special Law Officer

West Bengal Real Estate Regulatory Authority

sd/-
6.6.2023