

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

Complaint No.WBRERA/COM-000110

Arindam Mitra Complainant

Vs.

Janapriyo Real Estate Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 24.05.2023	<p>Complainant (Arindam Mitra) is present along with his wife Smt. Shyamali Mitra in the online hearing filing hazira through email.</p> <p>Advocate Sudip Basu is present on behalf of the Respondent in the online hearing filing hazira and Vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>The Complainant submitted that he has lodged four Complaint Cases before the erstwhile WBHIRA bearing Complaint Case Nos. COM000261, COM000262, COM000263 and COM000264. His wife Shyamali Mitra has lodged two Complaint cases before the erstwhile WBHIRA bearing Complaint Case Nos. COM000258 & COM000259.</p> <p>On 20.02.2020 Admission Hearing of the above mentioned six (06) matters were held by erstwhile WBHIRA Authority. After that on 04.05.2021, the Hon'ble Supreme Court of India has been pleased to stuck down the WBHIRA Act.</p> <p>Thereafter he instituted four Complaint Cases before WBRERA which are WBRERA/COM-000110, WBRERA/COM-000111, WBRERA/COM-000112 and WBRERA/COM-000113. His wife</p>	

Shyamali Mitra has lodged two Complaints before WBRERA which are WBRERA/COM-000136 and WBRERA/COM-000127.

Hon'ble Supreme Court in its order 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) 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.”

As per the above direction of the Hon'ble Supreme Court, this Authority shall hear the Complaint Cases lodged by the Complainant Arindam Mitra and his wife Shyamali Mitra instituted before the erstwhile WBHIRA from the stage up to which the erstwhile WBHIRA Authority has conducted the hearing.

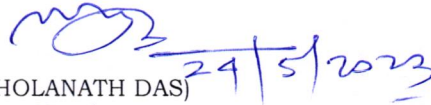
Therefore, the Complaint Cases bearing Nos. COM000261, COM000262, COM000263, COM000264, COM000258 and COM000259 shall be heard by the WBRERA Authority from that stage up to which the WBHIRA Authority heard those cases.

As parties and cause of action of both the Complaint cases are same, consequently, the hearing of the Complaint Case Nos. WBRERA/COM-000110, WBRERA/COM-000111, WBRERA/COM-000112, WBRERA/COM-000113, WBRERA/COM-000136 and WBRERA/COM-000127 are hereby closed and these cases are hereby disposed of on the ground of same matters pending before WBHIRA and those matters shall be heard by WBRERA Authority henceforth as mentioned above.

Fix next date of hearing of Complaint Case Nos. COM000261, COM000262, COM000263, COM000264, COM000258 and COM000259 on **21.06.2023**. As cause of action of these cases are similar, therefore, these matters shall be heard together.



(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