

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

Complaint No.WBRERA/COM-000112

Sunita Gupta Complainant

Vs.

Greentech IT City 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>Prakash Chandra Gupta is present along with the Complainant (Sunita Gupta) in the online hearing filing hazira and Authorization through email.</p> <p>Advocate Ritaja Mukherjee is present on behalf of the Respondent in the online hearing filing hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, she has booked a flat on 14.03.2013 bearing Unit No. 3A admeasuring 650 Sq.ft. at Block 05 in the project named as 'Smart Home Residency-I' of the Respondent Company (Greentech IT City Pvt. Ltd.) situated at Rajarhat, P.S. Rajarhat, Kol-700135 and Agreement for Sale was executed between the parties on 29.03.2013. The Complainant has paid the Respondent a sum of Rs.5,99,984/- (Rs. Five lakhs ninety-nine thousand nine hundred eighty four) only for purchase of the said flat. As per Article 9 of the said Agreement for Sale the Respondent should have handover possession of the flat to the Complainant within 24 months from the date of execution of the said Agreement i.e. within 28.03.2015.</p> <p>The Complainant prays for the relief of immediate handover of the possession of the flat/unit as per Agreement for Sale and to receive interest on Rs.5,99,984/- being the amount paid by the Complainant to the Respondent for every month of delay till the handing over of the possession of the said flat and to receive compensation and cost incidental to this Complaint Petition as</p>	

per provisions of RERA Act & Rules.

After hearing both the parties, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 days from the date of receipt of this order through email.

The Respondent is directed to submit his Written Response regarding the Complaint Petition and Affidavit of the Complainant on a Notarized Affidavit annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Complainant has also registered Complaint No. COM000590 dated 27.12.2020 before erstwhile WBHIRA. The Hon'ble Supreme Court has struck down WBHIRA on 04.05.2021. The 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

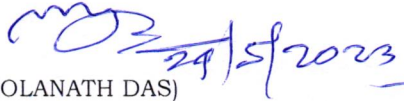
pursue the corresponding remedy which is available under the RERA.”

As per the above direction of the Hon'ble Supreme Court, Complaint Case bearing No. COM000590 stand transferred before the WBRERA Authority. As admission hearing of Complaint No. COM000590 was not held under WBHIRA, therefore WBRERA Authority, in the interest of speedy disposal, is hereby pleased to dismiss the Complaint Case No.COM000590 and this Authority shall proceed with hearing of this instant matter bearing Complaint No. WBRERA/COM-000112, as parties and cause of action of both the Complaint cases are same.

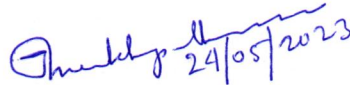
Fix **04.07.2023** for further hearing and order.



(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