

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

Complaint No. WBRERA/COM(PHYSICAL)000109

Sailesh Agarwal and Neelam Agarwal Complainants

Vs

Ideal Real Estates Private Limited..... Respondent No.1

Nakul Himatsingka, Director of Ideal Real Estates Private Limited..... Respondent No.2

Anuj Tulsyan, Director of Ideal Real Estates Private Limited..... Respondent No.3

Yes Bank Limited Respondent No. 4

Authorized Officer, Yes Bank Limited Respondent No. 5

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
03 13.06.2025	Advocate Pratyush Patwari (Mob. No. 9831283208 & email Id: patwariandassociates@gmail.com) is present in the physical hearing today on behalf of the Complainant filling Vakalatnama and signed the Attendance Sheet. Advocate Srijeeta Gupta (Mob. No. 8240159491 & email Id: srijeetagupta8@gmail.com) is present in the physical hearing today on behalf of the Respondent no.1 filing Vakalatnama and signed the Attendance Sheet. Advocate Mr. Sourjya Roy (Mob. No. 9836486947 & email Id: srjroy8@gmail.com) is present in the physical hearing today on behalf of the Respondent No.2, filling Vakalatnama and signed the Attendance Sheet. No Affidavit has been submitted by the Respondent No.1,2, and 3 as per the order of the Authority dated 11.06.2024 and 24.09.2024. Respondent No.4 submitted their Affidavit as per order of the Authority. Heard all the parties in detail. The Advocate of the Complainant stated that they have not received any Affidavit from the Respondent No.4 till date. The Advocate of Respondent No. 4 submitted that they have duly served the copy of their Affidavit to the Complainant and they will serve Affidavit of service in respect of that if they are allowed to do so. The Advocate of the Respondent No.1 submitted that discussion is going on between the Ideal Real Estate Pvt. Ltd. and Yes Bank for settlement of the matter and her client has already initiated the payment to the Bank. As the discussion was going on they could not submit the Affidavit and prayed for some more time for the same.	

The Advocate of the Respondent No.4 stated that they have appealed before the Hon'ble High Court at Calcutta challenging the order of the Authority and further order of the Hon'ble Real Estate Tribunal in the similar matters which has been allowed by the Hon'ble High Court for hearing including a stay order in complain no. WBRERA/COM/000934.

He prayed for submitting a petition file praying for not proceeding at present until disposal of the matter by the Hon'ble High Court at Calcutta.

The Advocate of the Complainant stated that there is no stay order by Hon'ble High Court against the order of the Authority given for the instant complaint petition.

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

- A. Respondent No.1, 2 and 3 shall submit their affidavit as per earlier order of this Authority 11.06.2024 and 24.09.2024 within **14 days** from date of receiving this order by speed post by email whichever is earlier. Failing which, no further time will be allowed for the same and a penalty will imposed as per provision of RERA Act.
- B. The Respondent No. 4 is directed to submit Affidavit of service regarding dispatch of Affidavits and other documents to the Complainant and Respondent No.1, 2 and 3 within 14 days from the date of receiving this order by post or by email whichever is earlier. However, the Respondent No. 4 is directed to send an additional copy of their Affidavit to the Complainant as well as the other Respondents within **14 days** from the date of receiving this order.
- C. Complainant is at liberty to submit a consolidated Reply / Rejoinder on Notarized Affidavit, containing point-wise concise reply to the Written Response of the Respondents, and send the Affidavit (in original) to the Authority, serving a copy of the same to the Respondents, within **21 (twenty-one)** days from the date of receipt of the Affidavits of the Respondents.
- D. As prayed, the Respondent No. 4 is also directed to send the copy of their petition file both to the Complainant as well as other Respondents within **14 days** from the date of receiving this order by speed post or by email whichever is earlier.
- E. Since, neither any direction nor any stay order has been given by Hon'ble High Court at Calcutta; the interim order of stay given by this Authority on 11.06.2024 will remain in force until further order.

Fix **20.11.2025** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority