

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

Complaint No.COM 000117 (erstwhile WBHIRA)

Soma GhoshComplainant

Vs.

M/s Disha Construction..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
06 25.03.2025	Complainant is present in the hearing physically and signed the Attendance Sheet. Respondent is absent despite due service of notice. The Complaint was lodged during the period when WBHIRA Act was in force and last hearing was held on 07.04.2021 wherein the Complainant was directed to submit Notarized Affidavit in support of her Complaint Petition and the next hearing was fixed 08.07.2021. But as per order of the Hon'ble Supreme Court dated 04.05.2021 (Writ Petition (C) No. 116 of 2019), WBHIRA Act was declared unconstitutional and so WBHIRA Authority was struck down. However in exercise of the jurisdiction under Article 142 Hon'ble Supreme Court directed that the striking down of WBHIRA will not affect the registrations, sanctions and permissions previously granted under the WBHIRA Authority prior to the date of the judgment i.e. 04.05.2021. The Hon'ble Supreme Court, vide order dated 12.05.2023 further clarified that all Complaint matters under WBHIRA regime shall continue to be dealt under WBRERA and all project sanctioned under WBHIRA shall be deemed to be considered as WBRERA project. Hence, as per direction of Hon'ble Supreme Court this Authority is proceeding with this Complaint case under the provision of RERA Act. Heard the Complainant in detail and the Authority is hereby pleased to give the following directions:- - The Complainant shall submit a Notarized Affidavit in support of his Complaint Petition including submission of the present status of the matter annexing therewith notarized / self attested photocopy of supporting documents and send the Affidavit by speed post and also by email within 21 days from the date of receiving this order, after serving a copy of the same to the Respondent, both in hard and soft versions. - The Respondent is directed to submit his response to the Affidavit of	

the Complainant on a Notarized Affidavit annexing therewith notarized / self attested photocopy of supporting documents and submit the original as well as soft copy of the same to the Authority, serving both hard and soft copy to the Complainant within 21 days from the date of receiving the Affidavit of the Complainant by post or by email, whichever is earlier.

Fix **22.07.2025** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority