

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

Complaint No.COM000011

Moniruddin Mandal .....Complainant

Vs.

Tapas Kumar Bhagat..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Execution (01) ----- 04.12.2023	<p>This Complaint Petition was filed before the erstwhile WBHIRA and final order of disposal was passed on 29.05.2019. After that execution hearing was held on 4 dates which are 06.09.2029, 22.09.2020, 11.01.2021 and 19.03.2021. Subsequently, on 4<sup>th</sup> May, 2021, WBHIRA was struck down by Hon'ble Supreme Court of India.</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 &amp; 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 the RERA.</i></p> <p><i>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."</i></p> <p>Therefore, as per the above direction of the Hon'ble Supreme Court the Complaint no. COM 000011 stand transferred to this Authority and this Authority shall now proceed with execution hearing of this present Complaint Petition bearing no. COM 000011.</p> <p>Today is the 5<sup>th</sup> day of Execution hearing of the final order dated</p>	

29.05.2019 passed in this Complaint Petition.

Complainant is present in the physical hearing and signed the Attendance Sheet.

Respondent is absent in the physical hearing despite due service of hearing notice through speed post and also by email.

Let the track record of due service of hearing notice to the Respondent be kept on record.

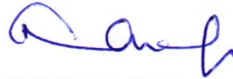
Heard the Complainant in detail.

Complainant stated at the time of hearing that no compliance has been made by the Respondent till date and a long time has been elapsed after passing of the final order dated 29.05.2019. As per his information, the flat may have been transferred to any third party. Therefore they are no longer interested to take the possession of the flat used by a third party and they want to withdraw the present Complaint Petition with a liberty from the Authority to file a fresh Complaint, praying for refund of the Principal Amount paid by him alongwith interest as per RERA Act and Rules made thereunder.

After hearing the Complainant, the Authority is pleased to give the following directions :-

- a) The Complainant shall submit a Notarized Affidavit stating the present status of this matter, whether any compliance has been done by the Respondent till date or not, and any other submission which the Complainant wants to place before this Authority, and send the Affidavit (in original) to the Authority, serving a copy of the same to the Respondent, both in hard and soft copies, within 10 days from the date of receipt of this order through email.

Fix **16.01.2024** 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