

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

Complaint No. WBRERA/COM000262

Abhishek Grover..... Complainant

Vs

M/s. Soumita Construction Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
06 (execution) 04.12.2023	<p>Mr. Vinit Sharma, Advocate of the Complainant is present in the online hearing filing hazira and vakalatnama through email.</p> <p>Advocate Masooma Khan (Mob. No. 8981637107 & email Id-lawdesk2@teamtaurus.co.in) is present in the online hearing on behalf of the Respondent filing hazira and authorization through email.</p> <p>Heard both the parties in detail.</p> <p>It may be mentioned here COM 000041 was filed with erstwhile WBHIRA by the Complainant and final order of disposal was passed on 13.08.2019. Three execution orders by order no. 3, 4 and 5 were passed on 05.03.2020, 16.03.2020 and 21.01.2021. Next execution hearing was scheduled on 06.05.2021 but could not be held as WBHIRA was meanwhile struck down by Hon'ble Supreme Court on 4th May, 2021.</p> <p>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 & 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>	

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."

Therefore, as per the above direction of the Hon'ble Supreme Court, the Complaint case no. COM 000041 stand transferred before the WBRERA Authority and this Authority shall now proceed with the hearing of the Complaint Case No.COM 000041 (erstwhile WBHIRA) from the stage upto which execution hearing was conducted by the erstwhile WBHIRA Authority and the next date of hearing of the said matter is hereby fixed on 19.02.2024.

As the parties and cause of action of both the Complaint Cases are same, consequently, the hearing of this instant Complaint Case bearing No. WBRERA/COM 000262 is hereby closed and this case is hereby disposed of on the ground that this Authority shall now proceed with the hearing of the above mentioned Complaint Case No. COM 000041.

The Complainant is hereby directed to submit on a Notarized Affidavit the present status of the Complaint case no. COM 000041, the total amount paid by the Complainant specifying date and amount of all the payments in a tabular form, whether any refund has been received from the Respondent and annexing with the said Affidavit copy of all the orders passed by erstwhile WBHIRA 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 15 days from the date of receipt of this order through email.

Complainant is further directed to send a scan copy of his Affidavit alongwith annexure to the Advocate of the Respondent in her email id as mentioned above.

The Respondent is directed to submit a Notarized Affidavit containing a Refund Schedule specifying the date and amount of installments by which they will refund the Principal Amount paid by the Complainant alongwith interest, as per the final order dated 13.08.2019 of the erstwhile WBHIRA Authority and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard

and scan copy, within 15 days from the date of receipt of the Affidavit of the Complainant by speed post or by email, whichever is earlier.

Fix **19.02.2024** 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