

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

Complaint No.WBRERA/COM000486

Soumen Chakraborty..... Complainant

Vs

Dharitri InfraventurePrivate Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
02 17.12.2024	Complainant (Mobile – 9735507355 & email Id: ssoumen1@gmail.com) is present in the online hearing filing hazira through email. No one from the Respondent is present. The Advocate of the Respondent sent an email stating that due to her father's hospitalization she is not being able to attend today's hearing. She further informed that the Respondent has already paid the Principal Amount to the Complainant prior to the Admission hearing of the case. So as per the Respondent the Complainant is not entitled to claim any interest. The Complainant stated that order was passed by the erstwhile WBHIRA against Complaint no. COM 000395 in favour of the Complainant according to which the Respondent was liable to refund the entire Principal Amount of Rs.1,97,000/- alongwith interest at the rate of SBI PLR + 2% within 45 days from the date of receiving the order dated 20.04.2021. But the said order was not complied by the Respondent for which the instant Complaint Petition was filed by the Complainant for refund as per order of Complaint No. COM 000395. The payment of the Principal Amount was finally cleared by the Respondent during July 2024. But the interest amount as directed through the final order of the erstwhile WBHIRA has not been complied by the Respondent. The Complainant prayed for payment of the interest amount by the Respondent. After hearing the Complainant and going through the documents and earlier order of the erstwhile WBHIRA the Authority is of the following opinion:- A final order was passed by the erstwhile WBHIRA vide order dated 20.04.2021 directing the Respondent to refund the Principal Amount of Rs.1,97,000/- alongwith interest at the rate SBI PLR +2% within 45 days from the date of receiving the order by the Respondent. The said order was not complied by the Respondent for which the Complainant prayed before WBRERA on 19.08.2023	

praying for full refund with interest and compensation.

As per order of the Hon'ble Supreme Court the erstwhile WBHIRA was struck down by an order dated 04.05.2021 and after then WBRERA came into force. Vide an order dated 12.05.2023 the Hon'ble Supreme Court further clarified that all the orders passed by erstwhile WBHIRA till 04.05.2021 is valid and shall stand transfer to and disposed of in accordance with law by the Authority which is constituted under the Central Act i.e. WBRERA in this case.

Hence, the order passed by erstwhile WBHIRA in the Complaint no. COM 000395 is very much operative and is eligible to be continued for proceedings under WBRERA.

Now, the Authority is hereby pleased to give the following directions:-

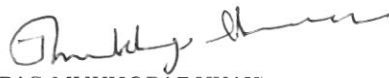
As the final order for refund was already passed by erstwhile WBHIRA in the Complaint no. COM 000395, the Authority is pleased to continue with the Complaint No. COM 000395 as per direction of Hon'ble Supreme Court and the instant Complaint Petition no.WBRERA/COM 000486 shall be treated as dismissed.

The Complainant shall file an Execution Application before this Authority on a plain paper, enclosing a copy of the final order, serving a copy of the same to the Respondent, for execution of the final order against Complaint no. COM 000395.

With the above directions the instant Complaint Petition is hereby dismissed.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority