

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

Complaint No. COM 000236 (erstwhile WBHIRA)

Kalpana Roy..... Complainant

Vs.

Surajit Chanda & Others.....Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
6 09.01.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Ashok Karmakar (Mobile no. 8583080566, 6290061513, email – advocateashok86@gmail.com) is present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>This Complaint Petition was filed before the erstwhile WBHIRA and hearing was held on 24.01.2020, 17.02.2020, 16.03.2020, 20.03.2020 and 26.03.2021. After that on 4th 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 & 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 000236 stand transferred to this Authority and this Authority shall now proceed with hearing of this present Complaint Petition</p>	

bearing no. COM 000236.

Heard both the parties in detail.

After hearing both the parties the Authority is pleased to give the following directions:-

a) The Respondent shall submit a Notarized Affidavit containing his total Written Response regarding the Complaint Petition and also stating the present status of this matter, he shall also state in his Affidavit that whether he has taken registration of this instant project from erstwhile WBHIRA / WBRERA and shall send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and scan copies, within 15 days from the date of receipt of this order of the Authority by email; and

b) The Complainant is at liberty to submit a Notarized Affidavit containing her Reply / Rejoinder against the Affidavit of the Respondent annexing therewith self attested / notary attested copy of the supporting documents and also annexing therewith copy of all the relevant communication with the Respondent and send the said Affidavit (in original) to the Authority, serving a copy of the same to the Respondent, both in hard and scan copies, within 15 days from the date of receipt of the Affidavit of the Respondent by post or by email, whichever is earlier.

Fix **21.03.2024** 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