

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

Complaint No. COM000150 (erstwhile WBHIRA) & WBRERA/COM 000473

Brototi Banerjee & Sukanta Prosad.....Complainants

Vs.

Dharitri Infraventure Pvt.Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
(1) Execution ----- 07.03.2024	<p>Complainants are present in the physical hearing today and signed the Attendance Sheet.</p> <p>Advocate Sayantani Das is present in the physical hearing today on behalf of the Respondent and signed the Attendance Sheet.</p> <p>Heard both the Parties in detail.</p> <p>At the time of hearing, it came to the notice of the Authority that on the selfsame matter, the Complainant had filed a Complaint case bearing number COM000150 before the erstwhile WBHIRA Authority. The said matter was heard and final order was passed on 20.12.2019 by the erstwhile WBHIRA Authority. After that WBHIRA was struck down by Hon'ble Supreme Court of India by an order dated 04.05.2021.</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>	

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 and after hearing both the parties, this Authority is hereby pleased to take up the Complaint Petition bearing no. **COM000150** for Execution hearing and order. This Authority shall continue the hearing, from the stage upto which the erstwhile WBHIRA has conducted the hearing till 20.12.2019.

Let the hearing of the Complaint Petition bearing no. **WBREERA/COM 000473** is hereby closed and dismissed as it has been filed on selfsame matter as that of **COM 000150**.

The Authority now shall now proceed with Execution hearing of **COM000150**.

Today the matter is taken up for execution hearing for execution of the order passed by the erstwhile WBHIRA in Complaint Case No. COM 000150 on 20.12.2019.

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

- a) Respondent shall complete the payment to comply the order of this Authority dated 20.12.2019 in **5 (five) installments** in consecutive 5 (five) months starting from **March, 2024 ending with July, 2024**. Rs.1,00,000/- shall be paid by the Respondent in March, 2024 and the balance Principal Amount shall be paid in 4 (four) equal monthly installments starting from **April, 2024 ending with July, 2024**; and
- b) The Respondent shall make payment of the interest amount at the rate of SBI PLR+2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realization, in 4 (four) equal consecutive monthly installments starting from **April, 2024 ending with July, 2024** ; and
- c) The refund shall be made by **bank transfer** to the bank account

- of the Complainant; and
- d) The Complainant shall send his bank account details in which he wants to take the refund amount, to the Respondent by email within 3 days from the date of receipt of this order of the Authority by email; and
- e) If the Respondent fails / neglects to comply the above order of the Authority, penalty may be imposed upon the Respondent as per the section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016, if the Authority thinks fit to do so on the next date of hearing.

The Authority shall review the matter on the next date of hearing.

Fix **06.06.2024** for further hearing and order.

Sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

Sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy

Sole

07.03.2024

Special Law Officer
West Bengal Real Estate Regulatory Authority