

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

Complaint No. WBRERA/COM000072

Subhajit Sen.....Complainant

Vs.

Dhoot Realtors Private Limited.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
3 ----- 08.08.2023	<p>Father of the Complainant Shri Subrata Sen is present in the online hearing as Authorized Representative of the Complainant, filing hazira and authorization through email.</p> <p>Advocate Sarosij Dasgupta is present on behalf of the Respondent Company filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>The Respondent pointed out at the time of hearing that as per the provision of section 56 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the said Act'), the father of the Complainant cannot appear before the Authority to represent the Complainant and also cannot sign the Affidavit on behalf of the Complainant which has happened in this matter.</p> <p>Heard and considered the argument of the Respondent. In this regard section 56 of the said Act may be taken into consideration.</p> <p>Section 56 of the Real Estate (Regulation and Development) Act, 2016, provides that,-</p> <p>“56. Right to legal Representation.- The applicant or appellant may either appear in person or authorise one or more chartered accountants or company secretaries or cost accountants or legal practitioners or any of its officers to present his or its case before the Appellate Tribunal or the</p>	

Regulatory Authority or the adjudicating officer, as the case may be.

Therefore the Authority is of the considered view that the Respondent has correctly pointed out that father of the Complainant Shri Subrata Sen can not appear on behalf of his son Shri Subhajit Sen who is the Complainant in the present matter.

Complainant is hereby directed to appear before the Authority as per the provision contained in section 56 of the said Act and submit the Affidavit afresh before the Authority.

The Complainant may appear in person or The Complainant may give Power of Attorney to any person in this regard and the person to whom the Power of Attorney has been granted may appear on behalf of the Complainant before the Authority and he can sign the Affidavit on behalf of the Complainant, if power has been granted by the deed of Power of Attorney. In this regard Order 3 Rule 2 of Civil Procedure Court may be taken into consideration.

The Affidavit submitted by the Complainant dated 17.07.2023 is hereby rejected by the Authority as it has been signed by father of the Complainant Shri Subrata Sen. Consequently the Written Response submitted by the Respondent against the said Affidavit of the Complainant is also hereby rejected by the Authority.

The Complainant is hereby directed to submit his total submission regarding his Complaint Petition afresh on a Notarized Affidavit, annexing therewith notary / self attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of this order through email.

The Respondent is hereby directed to submit his Written Response on a notarized affidavit to the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested supporting documents, if any, and send the original Affidavit to the Authority serving a copy of the same

to the Complainant, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix 03.10.2023 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