

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

Complaint No.WBRERA/COM 000050 & COM 000074 (erstwhile WBHIRA)

Suman Bej ..... Complainant

Vs.

Dharitri Infraventure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
03 <u>27.07.2023</u>	<p>Advocate Partha Bose is present on behalf of the Complainant in the online hearing filing hazira and vakalatnama through email. Wife of the Complainant Smt. Mitu Roy is also present in the online hearing as Authorized Representative of the Complainant.</p> <p>Smt. Sayantani Das, being Authorized Representative of the Respondent Company is present in the online hearing on behalf of the Respondent filing hazira and Authorization through email.</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 COM000074 before the erstwhile WBHIRA Authority .The said matter was admitted for hearing by the erstwhile WBHIRA Authority and it was last heard on 19.01.2021. Later on WBHIRA Authority was struck down by the Hon'ble Supreme Court of India vide 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 &amp; 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</i></p>	

*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 no. COM000074 stand transferred to this Authority. As the hearing of the said matter was not completed by the erstwhile WBHIRA Authority, this Authority is of the considered opinion to dismiss and close the proceeding regarding the mater relating to COM 000074.

On the selfsame matter the present Complaint bearing no. WBRERA/COM000050 has been filed by the Complainant, therefore the Authority is hereby pleased to close and dismiss the Complaint no. COM 000074 and this Authority shall now proceed with hearing of this present Complaint Petition bearing no. WBRERA/COM 000050.

Heard both the parties in detail.

Respondent submitted a Notarized Affidavit dated 24.07.2023, as per the last order of the Authority dated 23.06.2023, which has been received by this Authority dated 17.07.2023.

Let the said Affidavit of the Respondent be taken on record.

Respondent stated in the said Affidavit that they will refund Rs.13,60,000/- to the Complainant as per the schedule given below:-

### **Payment Schedule**

Sl No.	Month	Amount
1	August, 2023	Rs.2,72,000/-
2	September, 2023	Rs.2,72,000/-
3	October , 2023	Rs.2,72,000/-
4	November , 2023	Rs.2,72,000/-
5	December, 2023	Rs.2,72,000/-
	Total	Rs.13,60,000/-

Complainant stated at the time of hearing that he is accepting the Payment Schedule of the Respondent but the only point of difference is with the total amount to be refunded by the Respondent and prayed for permission to submit a Notarized Affidavit in this regard.

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

- a) Respondent shall start payment of the installments of refund immediately as per the Payment Schedule given in his Affidavit; and
- b) The Complainant is at liberty to submit a Notarized Affidavit against the Payment Schedule of the Respondent regarding the total amount to be refunded by the Respondent, within **15 (fifteen)** days from the date of receipt of this order through email.

The matter shall be reviewed by the Authority on the next date of hearing.

Fix 07.11.2023 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