

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

Complaint No. WBRERA/COM 000489

Prasant Gupta Complainant

Vs

Soumita Construction Pvt. Ltd Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution 01 <u>18.03.2026</u>	<p>Today is the 1st day of Execution Hearing of this complaint matter. The final order has been passed by this Authority on 21.08.2025.</p> <p>Advocate Dewesh Agarwal is present on behalf of the Complainant through online mode.</p> <p>Advocate Masooma Khan is present on behalf of the Respondent through online mode.</p> <p>Heard both the parties in detail.</p> <p>Complainant stated that they have not received any payment from the Respondent as yet. He prays for immediate refund of the total principal amount along with interest.</p> <p>Respondent could not give any justified reason for non-compliance of the Authority's order.</p> <p>The Authority observes that the Respondent is not paying any heed to the order of the Authority for refund of the hard earned money of the Complainant which they were directed to pay within 45(forty-five) days from the date of receiving the order dated 21.08.2025.</p> <p>Hence, the Authority is pleased to give the direction that the Respondent shall be liable as per section 63 of Real Estate (Regulation and Development) Act, 2016 to pay a penalty of Rs. 1000/- (Rupees one thousand only) per day of default w.e.f. 21.08.2025 up to the date of today's hearing for non-compliance of the final order of the Authority.</p> <p>The Complainant was apprised at the time of hearing that the order dated 21.08.2025 may be executed either by the provision of Rule 25 of the Real Estate (Regulation and Development) Rules, 2021 by sending it to the concerned District Magistrate for recovery of the amount due as per the provisions of Bengal Public Demands Recovery Act, 1913 or it may be sent to the Principle Civil Court having jurisdiction to execute the same as per the provisions of Rule 26 of the said Rules.</p> <p>The Complainant consented for sending this matter for execution to the</p>	

District Magistrate of the concerned District in whose jurisdiction the said property is situated, as per the provisions contained in section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021.

Therefore, this Authority is hereby pleased to send this matter for execution to the District Magistrate of South 24-Parganas to execute the Authority order dated 21.08.2025 as per section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021. As per rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, the amounts due shall be recovered from the Respondent by the concerned District Magistrate as arrears of land revenue and shall be recovered in the manner provided in the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3 of 1913) for depositing the same in favour of the Complainant.

The amount of penalty at the rate of Rs. **1000/- (Rupees one thousand only)** per day for default w.e.f. 21.08.2025 till the date of today's hearing i.e. 18.03.2026 shall also be recovered by the collector and the same shall be arranged to deposit in the following account.

A/c Name:- WEST BENGAL REAL ESTATE REGULATORY
Bank Name:- STATE BANK OF INDIA
A/c number:- 00000042520982210
CIF No:- 90909677334
IFSC number:- SBIN0000001
MICR:- 700002021

The Secretary, West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to send certified copy of this execution order along with final order dated 21.08.2025 along with copy of the Complaint Petition to the District Magistrate of South 24-Parganas, within **7 (seven) days** from today, requesting him to initiate a Certificate Case under the Bengal Public Demand Recovery Act, 1913, as per this order of the Authority.

The District Magistrate South 24-Parganas, is to execute the order dated **21.08.2025** in **WBREERA/COM 000489** passed by this Authority, as per the provisions contained in rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, within a month from the date of receipt of the certified copy of the order dated 21.08.2025 and other documents from the Secretary, WBREERA and send the compliance report to this Authority within six weeks.

It should be mentioned here that in a similar case, the Hon'ble Supreme Court of India, in petition for Special Leave to Appeal (C) No.16908/22, has been pleased to order as follows:-

"We direct, that the Authority shall proceed to execute the order which has been passed in favor of petition expeditiously, within a month from the date of receipt of a certified copy of this order by the executing forum".

As the present matter is similar to that of the matter heard by the Supreme Court of India, as mentioned above, therefore, the Authority directs the District Magistrate of South 24-Parganas, to take necessary action to execute this order

within a month from the date of receipt of certified copy of this order along with other papers and documents from this Authority.


Complainant is at liberty to pursue this matter with the office of the District Magistrate, South 24-Parganas to get refund of the amount as per the order of the Authority.

Let the copy of this order be served to both the parties by speed post and also by email immediately.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority