

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 000063

Monisha Niyogi ..... Complainant

Vs

Evanie Infrastructure Private Limited ..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution 02 19.03.2026	<p>Today is the 2<sup>nd</sup> day of Execution Hearing of this complaint matter. The final order has been passed by this Authority on 28.06.2023.</p> <p>Complainant is present at today's hearing physically and signed the attendance sheet.</p> <p>Respondent is absent in today's hearing, without any prior intimation despite due service of hearing notice through email.</p> <p>Direction was given to All the Directors of the Respondent Company to be present on today's hearing as per Authority order dated 07.05.2024 including submission of Affidavit showing reasons for non-imposition of penalty of Rs. 5,00,000/- by the Authority for non-compliance of the Authority order dated 28.06.2023. But even after that the Respondent did not appear on today's hearing, thereby, again violating the Authority's order.</p> <p>The Authority took serious exception to it and hereby pleased to impose a penalty of Rs. <b>5,00,000/- (rupees five lakh only)</b> upon the Respondent as per provision of Section 63 of the Real Estate (Regulation and Development) Act, 2016 for non-compliance of the Authority order dated 28.06.2023 and also 07.05.2024.</p> <p>Complainant stated that she has not received any amount from the Respondent till to date and she prayed for immediate refund of the same from the Respondent.</p> <p>The Complainant was appraised at the time of hearing that the order dated 28.06.2023 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 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 &amp; Development) Act, 2016 read with rule 25 of the West Bengal Real</p>	

Estate (Regulation & Development) Rules, 2021.

Therefore, this Authority is hereby pleased to send this matter for execution to the District Magistrate of North 24-Parganas to execute the Authority order dated 28.06.2023 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 amounting to Rs.5,00,000/- (**Rupees Five lakhs only**) imposed by the Authority shall also be recovered by the collector and the same shall be arranged to deposit in the following account of WBRERA.

**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 (WBRERA), is hereby directed to send certified copy of this execution order along with final order dated 28.06.2023 along with copy of the Complaint Petition to the District Magistrate of North 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 North 24-Parganas, is to execute the order dated **28.06.2023** in **WBRERA/COM 000063** 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 28.06.2023 and other documents from the Secretary, WBRERA 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 North 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, North 24-Parganas to get refund of the amount as per the order of the

Authority.

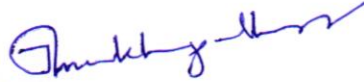
Let the copy of this order be served to both the parties by speed post and also by email immediately.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority