

Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park, Kolkata- 700 075

Complaint No.WBRERA/COM 000215

Riya Bhattacharya Complainant

Vs.

Evanie Infrastructure Private Limited Respondent 1

Sl. Number and date of order	Order and signature of the Officer	Note of action taken on order
Execution Hearing 04 07.05.2025	Today is the 4th (fourth) day of execution hearing. The final order of this matter was passed on 30.01.2024. Advocate Somnath Chattopadhyay (Ph no:- 8584873398 email:- som07dc@gmail.com) is present in the hearing physically on behalf of the Complainant filing Vakalatnama and signing the Attendance Sheet. Advocate Gourav Banerji (email:- gb_bdn@yahoo.in) is present in the hearing through online mode filing Hazira and Vakalatnama through email. Heard both the parties in detail. Complainant stated that no amount has been received till date from the Respondent and they have completely violated the final order dated 30.01.2024. Respondent prayed for some more time to pay the amounts as per final order which is rejected by the Authority as it is evident that inspite of issuing directions in final order and even in the order on execution hearing on 3 (three) occasions dated 21.08.2024, 10.12.2024 and 06.03.2025, the Respondents is paying no heed to the directions and has completely violated the order of the Authority. Hence, the Authority is pleased to give the directions 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/- (one thousand) for everyday of default from the 46th day of the final order, 30.01.2024	

The Complainant was appraised at the time of hearing that the order dated 30.01.2024 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.

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 & 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 North 24-Parganas to execute this order 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 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). The amount of penalty imposed by the Authority shall also be recovered by the collector and shall arrange to deposit in the following account.

A/C NAME : WEST BENGAL REAL ESTATE

BANK: STATE BANK OF INDIA

A/C NO. 00000040777384369

IFS CODE: SBIN0014524

The Secretary, West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to send certified copies of this execution order along with final order dated 30.01.2024 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 30.01.2024 in WBREERA/COM 000215 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 30.01.2024 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.



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority