

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

Complaint No. COM-000467 (erstwhile WBHIRA)

Asit Sikder..... Complainant

Vs.

Riverbank Developers Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
02 22.08.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of notice through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Respondent has sent an email dated 22.08.2023 requesting an adjournment of today's hearing due to personal health issues of the Advocate of the Respondent.</p> <p>Let the said email communication of the Respondent dated 22.08.2023 be taken on record.</p> <p>Considered and granted the prayer of the Respondent.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant has filed this Complaint Petition before the erstwhile WBHIRA Authority and this matter was admitted for hearing by order 07.04.2021. Subsequently, the WBHIRA Authority was struck down by Hon'ble Supreme Court of India by an order dated 04.05.2021.</p> <p>It should be mentioned here that by the Order of the Hon'ble</p>	

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 & Ors., the Apex Court has been pleased to direct-

“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.

Moreover, we clarify that all complaints which were filed before the erstwhile authority constituted under WB-HIRA shall 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, this Complaint Petition bearing no.COM000467 already stand transferred before this Authority and this Authority shall now proceed with hearing of this present Complaint Petition bearing no. COM 0000467.

Complainant has submitted a Notarized Affidavit dated 19.04.2021 containing his total submission regarding this Complaint Petition, as per the last order of the erstwhile WBHIRA Authority dated 07.04.2021, which has been received by the said Authority on 19.04.2021.

Let the said Affidavit be taken on record.

Let a copy of the Complaint Petition and Affidavit of the Complainant be sent to the Advocate of the Respondent Mr. Anirban Chatterjee to the email id adv.anirban1@gmail.com immediately from the office of this Authority.

Respondent is directed to submit Written Response on Notarized Affidavit to the Complaint Petition and Affidavit of the Complainant and send the original Affidavit to the Authority

serving a copy of the same to the Complainant within 10 days from the date of receipt of this order through email.

Fix 07.09.2023 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