

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

Complaint No.WBRERA/COM000105

Shirsendu Basu. 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
02 (Execution) 25.03.2025	Today is the 2nd day of Execution Hearing of this matter and the final order was passed on 20.07.2023. Ld. Advocate of the Complainant is present in the hearing through online mode filing hazira through email. Advocate Gourav Banerji is present on behalf of the Respondent filing vakalatnama and hazira through email. Heard both the parties in detail. As per Complainant he has not received any amount from the Respondent though the Respondent was directed to refund the entire amount as per the final order dated 20.07.2023 within 30 days from the date of receiving of the Execution order no.1 dated 11.02.2025. Advocate of the Respondent could not raise any relevant point regarding execution of the final order. After hearing both the parties, the Authority is of the opinion that the Respondent is not paying any heed to the order of the Authority and they are totally violating the order. Hence, the Authority is pleased to give the direction that the Respondent shall be liable as per section 61 of Real Estate (Regulation and Development) Act, 2016 to pay a penalty of Rs.5,00,000/- (Rupees five lakhs only) for non-compliance of the order of the Authority dated 20.07.2023 and order no. 01 (Execution) dated 11.02.2025. The Complainant was appraised at the time of hearing that the order dated 20.07.2023 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.

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 amounting to Rs.5,00,000/- (Rupees Five lakhs only) 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. 00000042520982210

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 20.07.2023 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 20.07.2023 in WBREERA/COM 000105 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 20.07.2023 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 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