

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

Complaint No. WBRERA/COM000187 & COM000506(erstwhile WBHIRA)

Sushila Khaitan Complainant

Vs.

Vedic Realty Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 28.08.2023	<p>Advocate Natalia Nahar (Mobile-8902840204, Email-advcalcuttahc@gmail.com) is present in the online hearing on behalf of the Complainant filing hazira and Vakalatnama through email.</p> <p>Advocate Subhara Kanti Roy Chowdhury (Mobile - 9831581182/9432371406 Email - subhro.krc@gmail.com) is present in the online haring on behalf of the Respondent filing hazira and Vakalatnama through email.</p> <p>A Complaint Petition bearing no. COM 000506 was filed before the erstwhile WBHIRA regarding the self same matter but hearing could not be completed as on 4th May, 2021, WBHIRA was struck down by Hon'ble Supreme Court of India.</p> <p>It should be mentioned here that by the Order of the Hon'ble 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-</p> <p><i>"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.</i></p> <p><i>Moreover, we clarify that all complaints which were filed before</i></p>	

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 the Complaint no. COM-000506 stand transferred to this Authority but as hearing of this matter was not completed by the erstwhile WBHIRA Authority therefore, this Authority is hereby pleased to close the hearing of the matter relating to COM 000506 and this Authority shall now proceed with hearing of this present Complaint Petition bearing no. WBRERA/COM 000187.

Heard both the parties in detail.

As per the Complainant he has booked a flat bearing No. 4B, in the 3rd floor, in Block-3 with a car parking and other facilities in the project named as '**Sanjeeva Orchards Phase-1**' of the Respondent Company by an application dated 28.09.2011. The said booking was issued on 21.01.2013. The Agreement for Sale was executed between the parties on 08.04.2013. On various occasions till date he has paid Rs.31,54,570/- (Rupees thirty-one lakhs fifty-four thousand five hundred seventy only) to the Respondent Company for purchase of the said flat. As per Sale Agreement, the delivery of the possession of the flat was scheduled to be held within 30 months plus a 6 months grace period from the date of Agreement. After expiry of 30 months on 07.10.2015 and 6 months grace period expired on 07.04.2016, the Respondent Company failed to deliver possession of the flat within the scheduled time-line as agreed between the parties.

The Complainant prays before the Authority for relief of the following:-

- a) Direction upon the Respondent to handover the possession and register the Deed of Conveyance of the Unit No. 4B on the 3rd floor, Block No. 3 alongwith one parking and other facilities of the project.
- b) Direction upon the Respondent to adjust the balance consideration amount of Rs.9,41,931/- of the Complainant

with the unpaid interest for delay payment payable of Rs.33,03,324/- by the Respondent to the Complainant.

- c) Direction upon the Respondent to refund the amount of Rs.23,61,293/-, the amount Complainant entitled after adjustment from unpaid interest for delay payment with balance consideration amount.

After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order and give the following directions:-

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of this order through email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **07.11.2023** 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