

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

Complaint No.WBRERA/COM000012

Trailokyanath Sahoo & Smrutirekha Sahoo.....Complainants

Vs

Todi Constructions Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
<p>(1) Execution ----- 16.01.2024</p>	<p>Today the matter is taken up for execution hearing of the final order dated 29.05.2023 passed in this matter.</p> <p>Complainants are present in the online hearing filing hazira and vakalatnama through email.</p> <p>Mr. Suyash Todi and Advocate Rajib Ghosh being the Authorized Representatives of the Respondent are present in the online hearing on behalf of the Respondent filing hazira through email.</p> <p>Complainant has submitted an Application on 19.09.2023 praying for execution of the final order dated 29.05.2023, which has been received by this Authority on 27.09.2023.</p> <p>Let the said Execution Application of the Complainant be taken on record.</p> <p>Heard both the parties in detail.</p> <p>Complainant submitted today at the time of hearing that no amount has been refunded by the Respondent till today and he prayed for immediate full Execution of the final order dated 29.05.2023, as per the provisions of section 40 of the Real Estate (Regulation & Development) Act, 2016 and Rules made there under.</p> <p>The Respondent prayed for some more time to comply the order of</p>	

	<p>this Authority.</p> <p>Complainant did not give consent to the said proposal of the Respondent.</p> <p>The Complainant has been apprised at the time of hearing that the order dated 29.05.2023 may be executed by the provision of Rule 25 of the Real Estate (Regulation & Development) Rules, 2021 by sending it to the concerned District Magistrate in whose jurisdiction the subject matter property is situated for recovery of the amount due as per the provisions of Bengal Public Demands Recovery Act, 1913.</p> <p>The Complainant has given consent 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.</p> <p>Hence, this Authority is hereby pleased to send this matter for execution to the District Magistrate of South 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 as provided in the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3 of 1913).</p> <p>The Secretary, West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to send certified copies of this execution order alongwith final order dated 29.05.2023 alongwith copy of the Complaint Petition to the District Magistrate of South 24 Parganas, within 15 (Fifteen) 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,</p> <p>The District Magistrate South 24 Parganas, is hereby directed to execute the order dated 29.05.2023 in WBREERA/COM000012 passed by this Authority, as per the provisions contained in rule 25 of the</p>	
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West Bengal Real Estate (Regulation & Development) Rules, 2021, within **a month** from the date of receipt of the certified copy of the order dated 29.05.2023 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 favour 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 South 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, South 24 Parganas to get refund of the amount as per the order of the Authority dated 29.05.2023.

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

Fix this Execution Case in the list of cases in the month of June, 2024, for report and compliance.



(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