

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

Complaint No.WBRERA/COM-000114

Partha Pratim BiswasComplainant

Vs.

Shristi Infrastructure Development Corporation Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 30.05.2023	<p style="text-align: center;">Complainant Partha Pratim Biswas and his wife Aditi Biswas are present in the online hearing filing hazira through email.</p> <p style="text-align: center;">Advocate Mayukh Roy is present on behalf of the Respondent Company in the online hearing. He is directed to send his hazira and vakalatnama through email to the Authority immediately after receiving this order.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p style="text-align: center;">As per the Complaint Petition, the Complainant along with his wife purchased an Apartment bearing no. 3C/1 in the project of the Respondent, named as “The V” (service Apartment in “Westin V” project at Newtown , Rajarhat , West Bengal). As per terms and conditions, the said Apartment was to be delivered in</p>	

April 2015. It has been 8 years since then but the Respondent has failed to deliver the flat or refund the money with interest.

In this Complaint Petition the Complainant prayed for full refund of the money paid by him with interest as per RERA Act and Rules. Total amount paid by the Complainant to the Respondent is Rs. 1,11,87,270/-

COM-000335 was filed with erstwhile WBHIRA by the Complainant, 3 hearings were completed and order no. 1,2 & 3 were passed. Next hearing was scheduled on 20.05.2021 but could not be held as WBHIRA was struck down by Hon'ble Supreme Court.

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-

"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 Authority shall proceed with the hearing of the Complaint Case No. **COM-000335** from the stage up to which hearing was conducted by the erstwhile WBHIRA Authority and the next date of hearing of the said matter is hereby fixed on **21.07.2023**.

As the parties and cause of action of both the Complaint Cases are same, consequently, the hearing of this instant Complaint Case bearing No. **WBRERA/COM-000114** is hereby closed and this case is hereby disposed of on the ground that this Authority shall proceed with the hearing of the above mentioned Complaint Case No. COM-000335.

The Complainant is directed to send the photocopy of order no. 1 , 2 & 3 of the erstwhile WBHIRA in COM-000335, scan copy of his Affidavit containing his total submission and Rejoinder and scan copy of the Affidavit of the Respondent, if available to him, by email to the Respondent as well as to the Advocate of the Respondent Mr. Mayukh Roy to the email id- ***mayukh.roy@busypartners.com***, within **3 (three)** days from the date of receipt of this order through email.

The Respondent is directed to submit a Supplementary Notarized Affidavit, as requested by advocate of the Respondent and as per the Order No.3 of the erstwhile WBHIRA Authority dated 25.03.2021 in the case No. COM-000335, regarding the Complaint Petition and the Affidavit of the Complainant, annexing therewith notary attested supporting documents, if any, and send the original Affidavit 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 scan copies of the Affidavits from the Complainant by the Advocate of

the Respondent by email.

Complaint is at liberty to file a Reply/Rejoinder against the Supplementary Affidavit of the Respondent, if any, serving a copy of the same to the Respondent and also his advocate, both in hard and soft copies, within **7 (Seven)** days from the date of receipt of the Supplementary Affidavit of the Respondent by email or by post whichever is earlier.

Fix **21.07.2023** for the next date of hearing and order for the Complaint Case No. **COM-000335** instituted under the erstwhile WBHIRA.

sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

sd/-

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority

sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority

certified to be true copy.

date

30.05.2023

Special Law Officer

West Bengal Real Estate Regulatory Authority