

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

Complaint No.WBRERA/COM-000116

Indramouli Saha.....Complainant

Vs.

Sanjit Kashyap Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 30.05.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Mr. Akash Shaw is present in the online hearing being the Authorized representative of the Respondent. He is directed to send his hazira and Authorization for today's hearing to the Authority by email immediately after receiving this order.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p>As per the Complainant he has paid Rs. 8,88,000/- to the Respondent Shri Sanjit Kashyap in the name of Newtown Grand Realtors LLP. The Respondent promised to give the Complainant a 3BHK Flat in his project but no construction has been started as yet. The Complainant had filed Complaint no. COM-000283 before the erstwhile WBHIRA and as per the last order of the erstwhile WBHIRA dated 19.01.2021, the Respondent was liable to refund the whole amount paid by the Complainant alongwith interest at the rate of SBI PLR + 2%.</p>	

Be it 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-

"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. **COM000283** from the stage upto which hearing was conducted by the erstwhile WBHIRA Authority.

As the parties and cause of action of both the Complaint Cases are same consequently, the hearing of this instant Complaint Case bearing No. **WBREERA/COM-000116 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-000283**.

Today at the time of hearing the Complainant stated that till date no money has been refunded by the Respondent.

The Authorized representative of the Respondent stated that the Respondent shall make the refund within one month from today.

After hearing both the parties, the Authority is pleased to direct the Respondent to submit a Notarized Affidavit stating the details of the refund schedule specifying the date and amount of money to be refunded by the Respondent and the original Affidavit shall be sent to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 7 (seven) days from the date of receipt of this order of the Authority by email. He is also directed to start making refund to the Complainant as per the schedule.

On **10.07.2023** the Authority shall review the matter and further hearing and order of the Complaint case no. **COM-000283** shall be made.

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.

sd/-

30.05.2023

Special Law Officer
West Bengal Real Estate Regulatory Authority