

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

Complaint No. WBRERA/COM 000658

Swapan Kumar Dey ..... Complainant

Vs

Sanjib Banerjee .....Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution 01 16.12.2025	<p>Today is the 1<sup>st</sup> day of Execution hearing of the instant complaint petition. The final order was passed by the Authority on 24.06.2025.</p> <p>Advocate Loknath Paul is present in today's hearing on behalf of the Complainant through online mode by filing hazira through email.</p> <p>Respondent is absent in today's hearing, without any intimation, despite due service of hearing notice.</p> <p>The Complainant stated that he has not received any amount from the Respondent as per order of the Authority dated 24.06.2025.</p> <p>He prayed for immediate refund of his entire money from the Respondent.</p> <p>The Complainant was appraised at the time of hearing that the order dated 24.06.2025 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.</p> <p>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 &amp; Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation &amp; Development) Rules, 2021.</p> <p>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 &amp; Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation &amp; Development) Rules, 2021. As per rule 25 of the West Bengal Real Estate (Regulation &amp; 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) for depositing the same in</p>	

favour of the Complainant.

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 24.06.2025 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 24.06.2025 in WBREERA/COM 000658 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 24.06.2025 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.

The Secretary West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to initiate proceedings against the Respondent for violation of Section 6 and other provisions of RERA Act and Rules.

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



(JAYANTA KR. BASU)

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