

**WEST BENGAL REAL ESTATE
APPELLATE TRIBUNAL
REGULATIONS, 2024**

NOTIFICATION

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

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WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL REGULATIONS 2024

WHEREAS it is expedient to frame Regulations, the West Bengal Real Estate Appellate Tribunal in exercise of the powers conferred by Sub-section (2) of Section 53 of the Real Estate (Regulation and Development) Act, 2016, read with Sub-rule (6) of Rule 28 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, enabling it to frame regulations of its own practice and procedure, hereby makes the following Regulations :

CHAPTER I

PRELIMINARY

1) Short Title and Commencement

- i. These regulations may be called “the West Bengal Real Estate Appellate Tribunal Regulations, 2024”.
- ii. These regulations shall come into force with effect from 12th July, 2024 on uploading the regulations on the website of West Bengal Real Estate Regulatory Authority / West Bengal Real Estate Appellate Tribunal.
- iii. These regulations shall apply in relation to all matters falling within the jurisdiction of the Tribunal in the State of West Bengal.

2) Definitions

(A) In these Regulations, unless the context otherwise requires :

- i. “Act” shall mean the Real Estate (Regulation and Development) Act, 2016, as amended from time to time.
- ii. “Address for Service” shall mean the address furnished by a party or his authorized agent, or his legal practitioner, chartered accountant, company secretary, cost accountant at which service of summons, notices or other processes may be effected.

- iii. "Appeal" means an appeal filed under Sub-section (1) of Section 44 of the Act read with Rules framed thereunder.
- iv. "Appellant" means a person who has filed an appeal under Sub-section (1) of Section 44 of the Act read with the West Bengal Real Estate (Regulation and Development) Rules, 2021.
- v. "Authorised Person" means a person authorized by the appellant/appellants and respondent/respondents to represent him/them before the Tribunal and includes the persons as explained in Section 56 of the Act.
- vi. "Chairperson" means the Chairperson of the West Bengal Real Estate Appellate Tribunal appointed under Section 46(2) of the Act.
- vii. "Code" means the Code of Civil Procedure, 1908, as amended from time to time.
- viii. "Consultant" includes any person not in the regular employment of the Tribunal and who may be appointed to assist the Tribunal on any matter required to be dealt with by the Tribunal under the Act, Rules and Regulations thereunder.
- ix. "Member" means Member of the West Bengal Real Estate Appellate Tribunal appointed under Section 46(3) of the Act.
- x. "Proceedings" mean and include proceedings of all nature that the Tribunal may conduct in the discharge of its functions under the Act and the Rules and the Regulations thereunder.
- xi. "Registrar" means the Registrar of the West Bengal Real Estate Appellate Tribunal and includes an officer of the Appellate Tribunal who is authorized by the Chairperson to function as Registrar.
- xii. "Rules" shall mean the West Bengal Real Estate (Regulation and Development) Rules, 2021, as amended from time to time.
- xiii. "Secretary" means the Secretary of the West Bengal Real Estate Appellate Tribunal and in his absence an officer who is authorized by the Chairperson to function as Secretary.
- xiv. "Vacation Bench" means a Bench duly constituted for discharging the functions of the Tribunal during its vacation.

- (B) “Words” or “expressions” occurred in these Regulations and not defined herein shall bear the same meaning assigned to them in the Act and the Rules thereunder.

CHAPTER II

AREA OF JURISDICTION

- 3) The West Bengal Real Estate Appellate Tribunal shall be applicable to the State of West Bengal.

CHAPTER III

LANGUAGE

4) Language of the Tribunal

- i. The proceedings of the Appellate Tribunal shall be conducted in English.
- ii. No appeal, application, documents or other papers contained in any language other than English shall be accepted by the Tribunal unless the same is accompanied by true translation thereof in English attested by a qualified translator and countersigned by the party concerned.

CHAPTER IV

DRESS AND DISCIPLINE

5) Dress and Discipline of the Tribunal

- i. The dress code for male employees / officers of the Tribunal shall be white shirt and black trousers and for female employees / officers shall be white kurta and black pyjama or white saree and black blouse. In addition, Personal Assistants / Stenographers and Assistants/Officers who place files before the Tribunal shall wear black coat.

- ii. The Advocate appearing before the Tribunal shall wear the same professional dress as prescribed for appearance before the Court. The wearing of gown is optional.
- iii. When other legal representatives like chartered accountant, etc. if they have been prescribed a dress for appearing in their professional capacity before any Court, Tribunal or Appellate Tribunal or other such authority may at their option, wear the same dress.
- iv. The party who has engaged a legal practitioner to appear for him before the Tribunal shall not be entitled to be heard in person unless permitted by the Tribunal.
- v. In the Court hall or in any hearing before the Tribunal, no cell phone or any other electronic gadgets shall be used or operated.

CHAPTER V

SITTINGS, WORKING HOURS AND CALENDAR

6) Sittings

- i. The head office of the Appellate Tribunal shall be at Kolkata.
- ii. The Appellate Tribunal may conduct its proceedings at the head office or at any other place within its jurisdiction on days and time as directed by the Chairperson.
- iii. In the absence of the Chairperson or vacancy of the Chairperson, the other two Members can conduct the proceedings of the Tribunal. In such cases, amongst the two Members, the Judicial Member will act as Chairperson.
- iv. When the Tribunal is closed for vacation, the Vacation Bench shall sit on such days as may be specified by the Chairperson. During the vacation, only the matters which are required to be immediately or urgently dealt with, shall be received in the office of the Registrar and the Registrar on being satisfied about the urgency and with approval of the Chairperson, shall order registration and posting of such cases.

7) Working Hours

- i. The office working hours of the Tribunal shall be from 10:00 A.M. to 5:00 P.M. with 45 minutes recess from 1:15 P.M. to 2:00 P.M.
- ii. The sittings of Tribunal shall be from 10:30 A.M. to 1:15 P.M. and from 2:00 P.M. to 4:30 P.M. with 45 minutes recess from 1:15 P.M. to 2:00 P.M.
- iii. If any climate change affecting human life necessitates change of working hours and sittings of the Tribunal, the Chairperson, by issuing special order, may modify the timing of working hours and sittings of the Tribunal, but keeping the total working hours of the Tribunal intact.
- iv. The filing counter of the office of the Registrar shall be open on all working days from 10:30 A.M. to 4:00 P.M. or as may be notified by the Appellate Tribunal from time to time.

8. Calendar

The Appellate Tribunal shall follow the calendar of the Calcutta High Court.

CHAPTER VI

PRESENTATION OF PROCEEDINGS

9) Presentation of Proceedings

- i. All appeals to be instituted with the Tribunal shall be presented online in Form 'C' as prescribed.
- ii. Every appeal shall be accompanied by an appeal fee of Rs.1,000/- (Rupees One Thousand).
- iii. The hard copy of such appeals along with attachments shall be presented in the Office of the Registrar to the authorized person within 7 (seven) days from the date of online filing. On failure to submit hard copies within time, such appeals shall be notified by the Registrar for dismissal for want of hard copies.

- iv. All other proceedings with attachments, if any, shall be instituted in the Office of the Registrar till the online system is in place.
- v. All proceedings to be presented to the Tribunal shall be in English and in case it is in some other language, it shall be accompanied by a true translation of the same in English and shall be legible, type-written or printed in double spacing with proper margin, duly paginated, indexed and stitched together in paper book form and shall be presented in triplicate.
- vi. The authorized official, on receipt of memorandum of appeal and other proceedings as per (ii), (iii) and (iv) above shall affix the date and seal of the Tribunal on all pages under his initials and thereafter shall on the same day, send it to the Registrar.
- vii. Court fee stamps affixed on Vakalatnama, Letter of Authorization and the documents shall be checked and entered after due cancellation in the Court Fee Register to be maintained as per the procedure.
- viii. In case of delay, if the last day of filing appeal falls on a holiday, that day and succeeding holidays shall be excluded for the purpose of reckoning the period of limitation. Appeal should be presented on the next working day succeeding the holidays from the last date of limitation.
- ix. On examination of appeals, if the Registrar finds the same to be in order, he shall seek appropriate orders for allotment of appeal.

10) Documents to accompany Memorandum of Appeal

- i. Memorandum of appeal with attachments with adequate number of copies to be served on Respondents;
- ii. If appeal is presented through an Advocate, necessary Vakalatnama, duly attested with necessary court fee stamp and also Advocate Welfare Fund Stamp, if applicable. Vakalatnama shall contain the address of the Advocate with Enrolment Number, e-mail I.D., Mobile Number etc. for proper communication;

- iii. In the event an appeal is filed by an authorized representative, Chartered Accountant, Cost Accountant or Company Secretary, shall be as provided in Section 56 of the Act, Power of Attorney or authority letter in original;
- iv. Certified copy of the order under challenge;
- v. All documents shall be produced along with the list of documents (Form 'B');
- vi. An application for condonation of delay when appeal is presented after the expiry of period of limitation;
- vii. Other documents, if any, in accordance with the law and rules framed thereunder;

CHAPTER VII

EXAMINATION AND REGISTRATION OF PROCEEDINGS

11) Appeal

- i. The Registrar shall examine the appeal as expeditiously as possible but not beyond three working days from the date of receipt thereof.
- ii. As soon as the memorandum of appeal is presented, the Registrar should examine it as per check list (Form 'A') with a view to ascertain –
 - a) whether appeal is competent;
 - b) whether presentation of the appeal is duly authorized;
 - c) whether appeal is in time and if not, whether an application for condonation of delay is filed as provided in Sub-section (2) of Section 44 of the Real Estate (Regulation and Development) Act, 2016;
 - d) whether memorandum of appeal is accompanied by the certified copy of the judgment and order;
 - e) whether appeal is properly stamped;
 - f) whether names of the parties stated in the memorandum correspond to the names in the copies annexed;
 - g) whether addresses given are registered addresses of the parties;
 - h) whether requisite registration fee, as prescribed, is paid;

- iii. When the Registrar finds that memorandum of appeal does not comply with any of the requirements referred to in sub-paragraph (ii) above or is open to any objection(s), he should call upon the appellant or his lawyer, authorized representative, chartered accountant, cost accountant or company secretary, as the case may be, to comply with the requirements and remove the objection(s). In case of non-compliance within three working days, the memorandum shall be placed before the appropriate Bench for orders.

12) Miscellaneous Applications and Execution Petitions

- i. On receipt of Miscellaneous Applications and Execution Petitions, the Registrar shall examine the same on the lines of 11(i) and (ii) above.
- ii. Miscellaneous Applications and Execution Petitions shall be registered separately as Miscellaneous Applications and Execution Petitions respectively.

CHAPTER VIII

SERVICE OF NOTICE / APPEARANCE OF RESPONDENTS AND OBJECTIONS

13) Services of Notice

- i. Notice in Form 'D' is to be served on other side, by registered post with acknowledgement due or courier or e-mail.
- ii. In the event any application is presented by appellant or respondent during the pendency of any proceeding, notice of the same should be served in advance to the other side or to their representative, as the case may be.
- iii. If any notice is returned unserved, the office of the Registrar to notify the same immediately on the Notice Board. Appellant or Applicant or his authorized representative shall within three days from the date of return of notice take steps to serve the notice afresh.
- iv. In case of failure to take steps as per (iii) above, consequences to follow in accordance with the law.
- v. The respondent may file objections or cross objections in three sets within seven days from the date of first appearance.

CHAPTER IX

HEARING OF APPEAL

14)

- i. No new documents which have not been produced or relied upon before the Authority shall be produced at the time of filing appeal. However, if any application is filed for production of additional documents or evidence, the same shall be considered by the Appellate Tribunal after giving opportunity to the other side.
- ii. As far as possible, hearing of appeal shall be concluded within sixty days from the date of its filing as per Section 44(5) of the Real Estate (Regulation and Development) Act, 2016.

CHAPTER X

DEATH AND INSOLVENCY OF PARTIES

15)

- i. Where in a proceeding, any of the parties to the proceeding dies, the proceeding shall be continued and adjudicated with successors-in-interest in case of individual or partnership firm as in the case of an insolvent, the official receiver or assignee, as in the case of a company under liquidation / winding up, the proceedings shall continue with the executor, administrator, liquidator or other legal representative of the party concerned as the case may be.
- ii. In case of death of any parties to the proceedings, the application for bringing up the successors-in-interest shall be filed within 60 days, if not filed within 60 days, the application / proceeding shall be treated as abated.

CHAPTER XI

JUDGMENT AND DECREE

- 16)** For judgment and decree, provisions of Order XX of the Code of Civil Procedure may assist as guidelines.

CHAPTER XII

OFFICERS OF THE TRIBUNAL

17)

- i. The Tribunal shall have the power to appoint the Secretary, the Registrar, Officers and other employees for discharging various duties. The qualifications, experience and terms of conditions of service and appointment of such Secretary, Registrar, Officers and other employees shall be subject to such regulations as may be specified by the Tribunal.
- ii. The Secretary, shall be the Principal Executive Officer of the Tribunal. Registrar and Finance Officer shall ordinarily be two superior officers of the Tribunal. The Registrar shall be the Chief Ministerial Officer for the purpose of judicial works of the Tribunal. The Finance Officer with the assistance of Accountant shall look after all the work related to accounts.
- iii. The Tribunal may appoint or engage Secretary, Deputy Secretary, Registrar, Finance Officer, Accountant, Consultants, Section Officer, Court Officer, Protocol Officer to assist the Tribunal in the discharge of its functions.

18) Powers and Duties of the Officers

A. Secretary :

- i. The Secretary shall have following powers and perform the following duties, viz.- to
 - a) act as controlling officer in respect of establishment of West Bengal Real Estate Appellate Tribunal;
 - b) discharge such functions or duties as may be required by the Tribunal in its functioning;
 - c) act as the Administrator in respect of the West Bengal Real Estate Appellate Tribunal Fund;
 - d) function as an authorized Joint Signatory in respect of all the bank accounts of the Tribunal with Finance Officer, however, he may delegate this power to any officer of the Tribunal;
 - e) assist the Tribunal in preparation of annual budget of the Tribunal and obtain approval of the Tribunal;
 - f) perform such duties and exercise such powers in relation to the recruitment of the staff of the Tribunal;
 - g) issue notices, prepare agenda and record the minutes of the meetings of the Tribunal;
 - h) grant leave to the employees of the Tribunal;
 - i) maintain the website through the designated agency;
 - j) act as a buyer and consignee in the GeM portal of the Tribunal;
 - k) be the overall in charge of Stationery, Debt Stock Register, Library and Protocol;
 - l) discharge such other duties as may be assigned by the Chairperson of the Tribunal;

B. Deputy Secretary :

The Deputy Secretary shall function as the Registrar. In the absence of the Secretary the Chairperson may assign the functioning of the Secretary to the Deputy Secretary.

In the absence of the Deputy Secretary, the Chairperson may assign the duties of the Deputy Secretary / Registrar to Section Officer or any other Officer as the Chairperson deems proper.

C. Registrar :

- i. The Registrar shall have the following powers and perform the following duties, viz. – to
 - a) have charge of and affix the seal of the Tribunal;
 - b) sign receipts for papers received in the Tribunal;
 - c) sign registers and books of proceedings and notices on the notice board;
 - d) sign 'By Order';
 - e) receive all appeals, execution petitions, miscellaneous applications and other documents relating to the proceedings presented to the Tribunal;
 - f) examine all appeals and applications, so received, as per 11(i) to (iii) and take further necessary action;
 - g) endorse on such appeals and applications the date of receipt for the purpose of calculating limitation;
 - h) authenticate translations;
 - i) arrange the board, fixing the appeals etc. for hearing;
 - j) receive replies, cross objections, rejoinders in appeals and cross appeals;
 - k) ensure maintenance and sign roznamas daily;
 - l) issue certified copies of the Judgments, Orders, Decrees of the Tribunal and documents filed in the proceedings as per the procedure;
 - m) collect from the State Government or other Offices, Companies and Firms or any other party, such information and record, report documents, etc., as may be directed by the Chairperson;

- n) exercise a general control over the matters relating to arrangement, maintenance and destruction of records;
 - o) return the documents of any disposed of cases by substituting certified copy/copies wherever necessary;
 - p) return original documents etc., produced by the parties in the Tribunal whenever they apply for the return;
 - q) carry on routine correspondence as may be required;
 - r) be the overall in charge of compliance of writs, drawing of decrees and copying;
 - s) perform any other duties as may be assigned by the Chairperson and Members;
- ii) In the absence of the Registrar or the Deputy Secretary, the officer of the Tribunal so authorized by the Chairperson, shall exercise the functions of the Registrar.
- iii) The Chairperson suo moto on an application made by any interested or affected party may review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by the Registrar or any officer of the Tribunal, if considered appropriate.

D. Finance Officer

- i. The Finance Officer shall have the following powers and perform the following duties, viz.- to
 - a) act as D.D.O. of the Tribunal (except WBHS and GPF bills);
 - b) prepare the budget estimates and compile the monthly and annual accounts of the Tribunal;
 - c) prepare a format for annual financial statement of the Tribunal in consultation with the Chairperson and the Secretary;
 - d) reply audit queries in consultation with the Chairperson or the Secretary or any other Member as may be assigned by the Chairperson;
 - e) prepare salary bills and disburse salary of all employees of the Tribunal;
 - f) make all other payments to run the office of the Tribunal;

- g) exercise the financial power as per the West Bengal Delegation of Financial Power Rules;
- h) deduct Income Tax and T.D.S. on G.S.T., and upload the same on the portal and produce the same in Form-16, Form-16A, GSTR-7, as the case may be;
- i) discharge the role of paying authority on GeM portal of the Tribunal;
- j) act as an operator of the West Bengal Real Estate Appellate Tribunal Fund;
- k) maintain Cash Book and place them for monthly authentication by the Secretary;
- l) perform any other work as may be assigned by the Chairperson or the Secretary;

E. Accountant :

The duties of the Accountant shall be to assist the Finance Officer in discharging all his duties as enumerated.

F. Section Officer :

The Section Officer shall perform the following duties;

- i. Have custody of proceedings of the Tribunal.
- ii. Arrange the proceedings as per classification of records.
- iii. Maintain the record of daily hearings of the proceedings of Tribunal.
- iv. Transmit the record and proceedings promptly for copying.
- v. Deposit the proceedings on disposal with the Record in charge.
- vi. Prompt compliance of writs.
- vii. Any other duties as may be assigned by the Chairperson.

CHAPTER XIII

REGISTERS

19) The following Registers shall be maintained and necessary entries shall be posted on day to day basis by an official as the Registrar or Secretary or Finance Officer, as the case may be, may nominate, subject to any order of the Chairperson.

- i. Appeal Register
- ii. Caveat Register
- iii. Complaint Register
- iv. Miscellaneous Applications Register
- v. Unnumbered Appeal Register or Application (S.R.) Register
- vi. Subsistence Allowance Register
- vii. Review Petition Register
- viii. Execution Petition Register
- ix. Writ Register
- x. Register of disposed of cases category wise
- xi. Certified Copy Register
- xii. Library Register
- xiii. Stationery Register
- xiv. Pass Book
- xv. Postage Stamp Register
- xvi. Challan Register
- xvii. Cash Book
- xviii. Register of TDS and GST details
- xix. Cheque Register
- xx. Fixed Assets Register
- xxi. Investment Register
- xxii. Petty Cash Register
- xxiii. Fees Register
- xxiv. Penalty Register

- xxv. Permanent Advance Register
- xxvi. Refund Register
- xxvii. Contingent Expenditure Register
- xxviii. Payment Register
- xxix. Acquaintance Roll Register
- xxx. Attendance Register
- xxxi. Records Muster Register
- xxxii. Fine Register
- xxxiii. Dead Stock Register
- xxxiv. Inward and Outward Registers

CHAPTER XIV

RECORDS

20) Preservation and Destruction of Records

1. Every record, unless otherwise provided, shall consist of two parts, to be styled, respectively, Part-I and Part-II. These two parts shall be maintained separately in stiff covers in Forms 'E' and 'F'.

Part-I of the records shall contain the following papers –

- i. The Order Books;
- ii. The Memorandum of appeal;
- iii. The copies of the Judgment and Decree filed with the Memorandum of Appeal and not inserted in the paper book of the case;
- iv. The Memorandum of Cross-objection (if any);
- v. Vakalatnamas;
- vi. The Applications for Substitution, Addition or Removal of parties and the affidavit filed therewith;
- vii. Remand order of the Tribunal, if any;

- viii. Copy of the finding of the West Bengal Real Estate Regulatory Authority upon remand, if any;
- ix. Final Judgment of the Tribunal;
- x. Decree;
- xi. Application for return of documents when they have been rejected or on which special orders have been posted;
- xii. Paper Books; two copies when printed, one copy when not printed;
- xiii. Any paper, the preservation of which may be directed by the Tribunal or by the Registrar;
- xiv. Orders of the Tribunal other than those recorded on the order sheets; and
- xv. Application for review and orders relating to such applications.

Part-II shall contain all other papers.

2. Papers contained in Part-I shall be preserved in Compact Discs (C.D. ROMS) or D.V.D. ROMS or like any other developed storage device for ever. For the said purpose three Compact Discs or D.V.D. ROMS or like any other developed storage device shall be prepared in each case and each copy shall be authenticated by the Registrar, one shall be kept in the custody of the Secretary, one shall be kept in the custody of the Registrar and one shall be kept in the custody of the Section Officer. Once the papers contained in Part-I are stored in the Compact Discs or D.V.D. ROMS or like any other developed storage device and the same is duly authenticated, such papers shall thereafter be destroyed. Papers contained in Part-II shall be preserved for three years and shall thereafter be destroyed.
3. For abundant caution, the original Part-I record shall be preserved for a period of three years from the date of its preservation in the Compact Discs or D.V.D. ROMS or like any other developed storage device and shall on expiry of such period be destroyed.

4. The distribution of the papers to the appropriate Parts (I and II) of the record shall be in all cases be made in the office before the record is deposited in the Record Room.
5. The period of three years mentioned above shall be calculated from the date of the final judgment or order which, in cases of appeal to the High Court, will be that of the judgment or order of the High Court, as the case may be.
6. All copies of paper books shall be destroyed as soon as one copy thereof is preserved in the Compact Discs or D.V.D. ROMS or like any other developed storage device along with Part-I record.

CHAPTER XV

CERTIFIED COPY

21) Certified Copies of Order

- i. A party to any proceeding may on application on the prescribed Court fee, made to the Tribunal, obtain a certified copy of any Judgment, Order, or any documents filed in the proceeding. The application may be made by the party himself or by his recognized agent or by his pleader or Advocate and may also be sent by post.
- ii. The application shall state whether the copy applied for is required for private use or otherwise.
- iii. Where a party applies for a certified copy by post other than registered post, the date of its receipt by the office of the Tribunal would be the date of the presentation of the application. Whenever such application is made by registered post, the same shall be prepaid for acknowledgement and the date of receipt of the letter would be the date of presentation of the application to the Tribunal.

- iv. Applications for copies by persons other than parties to the proceeding shall be supported by an affidavit stating the purpose for which the copies are sought.
- v. On receipt of an application, the office shall immediately scrutinize it with a view to ascertain the correct number of the proceeding, names of the parties, description of the documents copy of which is applied for, and whether the document is available for copying.
- vi. The office shall estimate the costs of the copies before the copying work is undertaken. The estimate should, as far as possible, cover all probable costs of the copies.
- vii. The applicant shall be called upon to deposit the estimated costs of the copies applied for, and make up other deficiencies then and there only, if his presence is available in the office. In other cases, Registrar to pass the orders requiring the applicant to make good the deficiencies within a specified period of time, not exceeding seven days from the receipt of the intimation.
- viii. If the applicant fails to furnish the estimated cost or to make good the deficiencies within one month from the date of issuance of notice, his application for copy shall be filed and the amount due to him, if any, should be refunded after deducting the charge incurred, if any.
- ix. As soon as the office finds that the application is complete in all respects, Registrar to pass orders granting or refusing the application.
In case the Registrar refuses to grant the application, the grounds for refusal shall be recorded on the application and such refusal and the grounds thereof shall be communicated to the applicant in writing.
- x. The ordinary copies shall be furnished within seven days of the presentation or receipt of the application, if the application is complete on that date, unless further delay is unavoidable in which case the cause shall be endorsed on the copy. In other cases, the period of seven days shall be computed from the date on which the application is complete in all respects, excluding the holidays.

- xi. Urgent copies shall be furnished within 48 hours from the time the application is found to be completed, excluding the holidays.
- xii. When a party applies for a copy of an appellate judgment for the purposes of filing a further appeal or revision, he shall be furnished with a copy not only of the judgment but also of the grounds of appeal and of the cross objections, if any, unless these are incorporated in the judgment itself.
- xiii. In the case of 'roznama' i.e. the record of daily hearings of court cases, the portion of which the copy is given at the discretion of Registrar must include all the entries of a particular date or dates, accompanied with the heading.
- xiv. Copies of any document on the record of a proceeding prepared by a party may in the discretion of the Registrar be certified as true copies upon an application made in that behalf.
- xv. (1) The following endorsement shall be made on every copy of the document:
 - a) The date on which the copy was applied for.
 - b) The date on which the application was complete.
 - c) The date (when the date once given is subsequently changed, the last of such changed dates) given to the applicant for taking delivery of the copy.
 - d) The date on which the copy was ready for delivery.
 - e) The date on which it was delivered or posted.(2) To prevent unauthorized alterations being made, the date shall be written in letters in distinct handwriting and the endorsement should be signed by the Registrar on the date on which it was made.
- xvi. The certified copies shall be charged at the following rates:
 - a) A flat rate of Rs.4/- for ordinary printed / photocopy and Rs.7/- for urgent printed / photocopy shall be charged per page of the certified copy inclusive of copying, comparing and paper cost irrespective of the fact whether the document is in English or in regional language.

- b) In case of ordinary and urgent typed copy Rs.10/- and Rs.15/- per page of the certified copy shall be charged respectively.
 - c) In case of a copy of map or plan, the charges for copying, comparing and paper cost shall not be less than Rs.5/- and more than Rs.25/- as the Registrar may determine.
 - d) In case of comparison and certification of private copies prepared on private Photocopying Machine, the charges shall be Rs.10/- per page.
 - e) The Court fee stamps as may be prescribed under the West Bengal Court Fees Act shall be affixed on application for certified copies.
- xvii. In case the estimated deposit falls short of the charges which would have to be recovered in respect of the copies, the balance shall be recovered from the parties or lawyer concerned before the copies are delivered personally. In case the applicant applies for such copies by post, it will be responsibility of the party to collect the copies by paying the deficit.
- xviii. All copies should be corrected, printed, typed or photocopied clearly and shall be dated, subscribed and duly sealed.

CHAPTER XVI

REMOVAL OF DIFFICULTIES AND ISSUANCE OF DIRECTIONS

- 22)** Notwithstanding anything contained in the Regulations, wherever the Regulations are silent or no provision is made, the Chairperson may issue appropriate directions to remove difficulties and issue such orders or circulars from time to time to govern the situation or contingency that may arise in the working of the Appellate Tribunal.

CHAPTER XVII

CONFIDENTIALITY

23)

- i. The Tribunal shall appraise and determine whether any documents or evidence produced by any party and claimed by that party to be of a confidential nature is to be withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.
- ii. If the Tribunal is of the view that the claim for confidentiality is justified, the Tribunal may direct that the same be not provided to such parties as the Tribunal may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.
- iii. Notwithstanding the above, it shall be open to the Tribunal to take into consideration the contents of the documents found to be confidential in arriving at its decision.
- iv. The Tribunal may direct any person either to appear, to give evidence or to produce any document or books of accounts and such document or evidence produced may be ordered to be kept in the safe custody of any one of the officers of the Tribunal.

CHAPTER XVIII

GENERAL POWERS TO AMEND/RECTIFY

- 24)** The Tribunal may, at any time and on such terms as to or otherwise, as it may think fit, remove any defect or error apparent on the face of record in any proceedings before it (including any clerical or arithmetical error in any order passed by the Tribunal), either on an application filed by any one of aggrieved parties or suo moto,

within 30 days from the date of the order. The Tribunal shall not pass any order on the said application if entertained without giving notice to other side. Provided that if the Tribunal desires to make amendments or rectification in the order to determine such issue, the Tribunal shall provide an opportunity to the parties affected by such amendment or rectification touching such issue to make representations and submissions with respect to the proposed amendment or rectification.

CHAPTER XIX

SAVING OF INHERENT POWERS OF THE TRIBUNAL

25)

- i. Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such order as may be necessary for meeting the ends of justice or to prevent the abuse of the process of Tribunal.
- ii. Nothing in these Regulations shall bar the Tribunal from adopting in conformity with the provisions of the Act or Rules, a procedure, which is at variance with any of the provisions of these Regulations, if the Tribunal, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for so dealing with such a matter or class of matters.
- iii. Nothing in these Regulations shall bar the Tribunal to deal with any matter or exercise any powers under the Act or Rules, for which no Regulations have been framed, and the Tribunal may deal with such matters, powers and functions in a manner it thinks fit.

CHAPTER XX

EXTENTION OR ABRIDGEMENT OF TIME PRESCRIBED

- 26)** The time prescribed by the Regulations or by order of the Tribunal for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reasons by an order of the Tribunal subject to the provision of the Act and the Rules.

CHAPTER XXI

MISCELLANEOUS

27)

- i. The Tribunal shall make an endeavour to put online system in place in respect of all functions relating to the Tribunal. The aforesaid Regulations shall remain in force till they are amended, modified or substituted from time to time.
- ii. Previous guidelines relating to filing of appeal and obtaining certified copies of orders are hereby repealed.

Sd/-

CHAIRPERSON

WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL

July 12th, 2024

Kolkata - 700 075

APPENDIX

FORM A

CHECKLIST FOR SCRUTINY OF APPEAL

Appeal No. -----

Complaint No.-----

Parties -----Vs.-----

- | | | | |
|---|---|-------------------|----------|
| 1 | Legal provisions: U/sec. _____ | _____ of RERA Act | |
| 2 | Whether the appeal is competent | | Yes / No |
| 3 | Whether the name of the parties and their addresses are properly mentioned in the Appeal Memo | | Yes / No |
| 4 | Whether certified copy of impugned Order/Judgment is filed with the appeal | | Yes / No |
| 5 | What is the:
a) Date of the order :-
b) Date of its communication to the party by RERA :-
c) Date of application for certified copy :-
d) Date on which copy was ready :-
e) Date of receipt of certified copy :-
f) Date of Online filing of appeal :-
g) Date of submission of hard copy of Appeal Memo:-
h)Whether there is any delay in submission of hard copy of Appeal Memo:
If yes, how many days: - | | Yes / No |
| 6 | Is appeal filed within limitation (60 days) :-
(from the date of receipt of order) | | Yes / No |
| 7 | Whether there is any delay in filing of appeal:
If yes, how many days:- | | Yes / No |
| 8 | Whether application for condonation of delay is filed with appeal:
If not, raise its objection. | | Yes / No |

- | | | |
|----|---|----------|
| 9 | Whether requisite fees paid:-
If yes, copy of the receipt & date of payment :- | Yes / No |
| 10 | Whether the required documents are filed with Index
& pagination :-
If yes, whether the documents are legible:- | Yes / No |
| 11 | i) Whether the copy of appeal memo is annexed for
giving the same to other side : | Yes / No |
| | ii) Or served to other side by post / courier:
If yes, whether proof of service of the copy is enclosed: | Yes / No |
| 12 | Whether Vakalatnama / Authorization is filed and
properly stamped | Yes / No |
| 13 | Whether e-mail / phone/Mobile No. is on record :- | Yes / No |

Signature of the Clerk, Scrutiny Branch

Submission :

Matter be placed before Hon'ble Chairperson for seeking Allotment Order.

Registrar, WBREAT

FORM B
LIST OF DOCUMENTS

Sr. No.	Description of Documents	Page No.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Signature of the Appellant(s)

FORM C
APPEAL TO APPELLATE TRIBUNAL

Appeal under Section 44

For use of Appellate Tribunal's office:

Date of filing: _____

Date of receipt by post: _____

Registration No.: _____

Signature: _____

Authorized Officer: _____

IN THE WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL

(Name of place)

Between

_____ Appellant(s)

And

_____ Respondent(s)

Details of appeal:

- 1) Particulars of the appellants:
 - i) Name of the appellant:
 - ii) Address of the existing office / residence of the appellant:
 - iii) Address for service of all notices:
 - iv) Contact Details (Phone number, e-mail, Fax Number etc.):

- 2) Particulars of the respondents:
 - i) Name(s) of respondent:
 - ii) Office address of the respondent:
 - iii) Address for service of all notices:
 - iv) Contact Details (Phone number, e-mail, Fax Number etc.):

- 3) a) Jurisdiction of the Appellate Tribunal:
The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.
- b) Project Registration No.:

4) Limitation:

The appellant declares that the appeal is within the limitation specified in Sub-section (2) of Section 44

OR

If the appeal is filed after the expiry of the limitation period specified under Sub-section (2) of Section 44 specify reasons for delay

5) Facts of the case:

(give a concise statement of facts and grounds of appeal against the specific order of the Authority or the Adjudicating Officer, as the case may be passed under Section(s) _____ of the Act.

6) Grounds of Appeal:

7) Relief(s) sought:

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) _____.

[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

8) Interim order, if prayed for:

Pending final decision on the appeal, the appellant seeks issue of the following interim order:-

[Give here the nature of the interim order prayed for with reasons]

- 9) Matter not pending with any other court, etc.:
The appellant further declares that the matter regarding which this appeal has been made, is not pending before any court of law or any other authority or any other Tribunal(s).
- 10) Particulars of the fee in terms of Sub-rule A(1) of Rule 9:
i. Amount
ii. Mode
- 11) List of enclosures:
i) An attested true copy of the order against which the appeal is filed.
ii) Copies of the documents relied upon by the appellant and referred to in the appeal.
iii) An index of the documents.

Verification

I _____ (name in full block letters) son / daughter
of _____ the appellant do hereby verify that the contents of
paragraphs (1 to 10) are true to my personal knowledge and belief and that I have not
suppressed any material fact(s).

Place:

Date:

Signature of the Appellant(s)

FORM D

**NOTICE TO RESPONDENT OF THE DAY FIXED FOR HEARING OF THE
APPEAL / APPLICATION**

**WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL, KOLKATA
(Appellate Jurisdiction)**

WBREAT/APPEAL No...... **of**

Appeal from the direction / decision / order day of20..... of
the West Bengal Real Estate Regulatory Authority

..... **Appellant**

Versus

..... **Respondent**

To,

.....
.....
.....

Take notice that an Appeal from the direction / decision / order of the West Bengal Real Estate Regulatory Authority in Case No..... / Complaint No..... has been presented by and registered in this Tribunal and that the day of 20, has been fixed by this Tribunal for hearing of this appeal.

If no appearance is made on your behalf by yourself, your Advocate, or by someone by law authorized to act for you in this Appeal, it will be heard and decided in your absence.

Given under my hand and seal of the Tribunal, this day of, 20

By order of the Tribunal

Seal of the Tribunal

Theday of....., 20.....

Registrar

FORM E
IN THE WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL, KOLKATA
(Appellate Jurisdiction)

Title-Page

Part-I

(This file must be preserved for ever)

Appeal from Complaint No..... of 20.....

..... **Appellant**

Versus

..... **Respondent**

Date of decision of Tribunal :

Date of decision of High Court :

Date of decision of Supreme Court :

FORM F
IN THE WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL, KOLKATA
(Appellate Jurisdiction)

Title-Page

Part-II

(This file must be destroyed at the end of three years)

The above period shall be calculated from the date of the final Judgment / Order, which in case of appeal to the High Court will be that of the Judgment / Order of the High Court.

Appeal from Complaint No..... of 20.....

..... **Appellant**

Versus

..... **Respondent**

Date of decision of Tribunal :

Date of decision of High Court :

Date of decision of Supreme Court :

FORM G
IN THE WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL, KOLKATA
(Appellate Jurisdiction)

WBREAT APPEAL No..... of

..... Appellant

Versus

..... Respondent

NOTICE TO SHOW CAUSE

To,

.....
.....
.....
.....

Take notice that an Appeal / Application, a copy whereof is annexed herewith, has been made to this Tribunal by the above named Appellant / Petitioner and you are hereby directed to show cause on why the Appeal / Application should not be granted or such other order be passed as this Hon'ble Tribunal may deem fit.

By order of the Tribunal

Seal of the Tribunal

Theday of, 20.....

Registrar / Section Officer