## ORDER SHEET

## WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000276

Sayan Biswas ......Complainant

AND

Rejesh Kumar Gupta ......Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
03-03-2020	Complainant is present filing hazira.	
	Respondent is represented by Ld. Advocate, Smt. Farnaz Nasim, filing Vakalatnama.  Respondent already received copy of the Complaint petition along with the notice of hearing. Respondent also submitted a written response to the complaint petition at the time of hearing.	
	Let the written response be kept on record.	
Dictated & corrected by me	In the written response, the Respondent submitted that a complaint petition being COM-000064 dt.19.04.2019 was filed before the Designated Authority of WBHIRA by the present Respondent (i.e. Rejesh Kumar Gupta) where present Complainant was one of the Respondents being one of the Directors of N.B. Highrise Private Limited (as Developer). In that case, Designated Authority finally passed an order vide Order no. 3 dt. 21.11.2019. Present Respondent (who was Complainant of the said COM-000064), being aggrieved with that	
W.	order, filed an appeal to the Hon'ble Appellate Tribunal on 21.01.2020 being Appeal no. 001 of 2020.	

Dictated & corrected by me

The Ld. Advocate of the Respondent submitted that the present complaint petition is not maintainable before this Authority as an appeal has already been preferred before the West Bengal Housing Industry Appellate Tribunal bearing no. HIAT/APPEAL-001/2020 between Rajesh Kumar Gupta & Anr. – Vs- M/s N.B. Highrise Private Limited, challenging the final order dt. 21.11.2019 of the Designated Authority in complaint case no. COM-000064, which is pending before the Hon'ble Appellate Tribunal.

Also she alleged that Shri Sayan Biswas has made this complaint petition in individual capacity, whereas earlier matter was against M/s N.B. Highrise Private Limited and Others. Therefore, Shri Sayan Biswas does not have the necessary *locus standi* to file this complaint petition in his individual capacity. Respondent also submitted copy of the orders passed by Hon'ble Appellate Tribunal in the said appeal matter on 03/02/2020 and 17/02/2020.

The Respondent is directed to serve a copy of the written response submitted before the Authority to the complainant within one week from today and file a service return on the next date of hearing.

Complainant is at liberty to file a reply / re-joinder to the written response of the Respondent, serving a copy to the Respondent, before admission hearing by Designated Authority on the next date.

Fix 08.04.2020 for further hearing and orders.

(Kausik Kumar Pal) Secretary,

Housing Industry Regulatory Authority, West Bengal.