

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

Complaint No.COM 000198 (erstwhile WBHIRA)

Dinesh Chandra Agarwal..... Complainant

Vs

TapajyotiKhan..... Respondent no.1

Dilip Saha.....Respondent no.2

Samir Kumar Dey..... Respondent no.3

Rita Dey..... Respondent no.4

Suranjana Dey..... Respondent no.5

Sanjoy Kumar Dey..... Respondent no.6

Seema Kundu..... Respondent no.7

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
Review (01) 14.08.2024	<p>Complainant Dinesh Chandra Agarwal (Mobile 9836689055, email – dinesh27110@yahoo.com) alongwith his Advocate Mr. Mrinal Kanti Ghosh (Mob. No. 9830874095 & email Id: advmrinalghosh@gmail.com) is present in the physical hearing today filing Vakalatnama and signed the Attendance Sheet.</p> <p>Advocate Mr. Abhishek Shaw (Mob. No. 9143059390 & email Id: abhishekshaw10@gmail.com) is present in the physical hearing today on behalf of the Respondent No. 3A and 3B, filing Vakalatnama and signed the Attendance Sheet.</p> <p>The Respondent no. 3A and 3B has submitted an Application dated 02.07.2024 for Review or Recall of the order dated 19.03.2024 passed in this matter, as per section 39 of the Real Estate (Regulation and Development) Act, 2016, which has been received by this Authority on 02.07.2024.</p> <p>Let the said Review Application submitted as per section 39 of the RERA Act, 2016, be taken on record.</p> <p>A copy of the said Review Application has been sent to all the Respondents alongwith the email communication for hearing to be done today.</p> <p>Complainant submitted a Written Response on Notarized</p>	

Affidavit dated 14.08.2024, against the Review Application of the Respondent no.3A and 3B, which has been submitted by him at the time of hearing today, serving a copy of the same to the Advocate of the Respondent no.3A and 3B, at the time of hearing today.

Heard all the parties in detail.

The Advocate of the Respondent no.3A and 3B stated at the time of hearing that they have been included in the matter after the demise of Respondent no.3 in the order dated 19.03.2024 but they have not given the opportunity of filing Written Response.

The Advocate of the Complainant stated that Respondent no.3 have submitted Affidavit in this matter and this Authority has duly considered and given order in this regard, in the final order dated 19.03.2024, therefore, there arises no question of filing separate Affidavit by the Respondent no.3A and 3B.

He also submitted that the Complainant has submitted his all contentions/objections in his Affidavit dated 14.08.2024 against the Review Application submitted by the Respondent no.3A and 3B.

After hearing the parties, the Authority is hereby pleased to give the following directions:-

- a) The Respondent no.3A and 3B shall submit a Reply/Rejoinder on Notarized Affidavit, against the Affidavit dated 14.08.2024 submitted by the Complainant today, within **15 days** from the date of receipt of this order of the Authority through email; and
- b) The Respondent no.3A and 3B are further directed to submit and state in their Reply/Rejoinder necessary provision(s), if any, and supporting judgment(s), if any, in regard to the following:-
“when a party has submitted an Affidavit and thereafter he died and his legal heirs have been included in the matter in his place then the legal heirs also have the right to file separate Affidavit in the said matter”; and
- c) No more chance or time shall be given to the Respondent no.3A and 3B to file Reply / Rejoinder, if they fail to submit the same, as per the direction at (a) and (b) above, as per the provisions contained in section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

Fix **19.09.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority