

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

Complaint No. COM-000336 (erstwhile WBHIRA)

Sanjay Kumar Patodia.....Complainant

Vs.

Ideal Real Estates Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
4 ----- 12.07.2023	<p>The Complainant along with his Authorized Representative Shri. Gopal Krishna Lodha is present in the online hearing filing hazira through email.</p> <p>Advocate Tirthankar Das is present on behalf of the Respondent, being its Authorized Representative, in the online hearing, filing hazira and Vakalatnama through email.</p> <p>This Complaint Petition was filed before the erstwhile WBHIRA and hearing was held on 28.08.2020, 15.12.2020 and 25.03.2021. After that on 4th May, 2021, WBHIRA was struck down by Hon'ble Supreme Court of India.</p> <p>It should be 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-</p>	

“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 the Complaint no. COM-000336 stand transferred to this Authority and this Authority shall now proceed with hearing of this present Complaint Petition bearing no. WBRERA/COM 000336.

Heard both the parties in detail.

The Complainant today at the time of hearing submitted that, the Respondent refunded till date Rs.11,00,000/- (Rupees eleven lakhs only) approximately. He prayed for refund of the remaining amount from the Respondent at the earliest.

Advocate of the Respondent at the time of hearing prayed for some time to submit the Written Response.

Considered and granted 7 days' time to the Respondent to file the Written Response.

Complainant is directed to send a scan copy of the Affidavit of the Complainant alongwith annexure and order of the erstwhile WBHIRA Authority dated 28.08.2020, 15.12.2020 and 25.03.2021 to the email Id of the Advocate of the Respondent Mr. Tirthankar Das within tomorrow. The email ID and contract number of Mr. Das is given below:-

Email ID : **tirthankardas@sinhaco.com**

Mob. No. 8583067953.

The Respondent is hereby directed to submit the Written Response on a Notarized Affidavit, to the Complaint Petition annexing therewith notary attested supporting documents, if any, and send the original affidavit 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 through email. It is the last chance given to the Respondent to file the Written Response.

One of the Directors of the Respondent Company is also directed to remain present positively on the next date in the online hearing for effective and speedy disposal of this matter.

The Respondent is further directed to remain present on the next date of hearing positively, failing which, the matter shall be heard and disposed of ex-parte by this Authority for the ends of speedy disposal of justice as per sub-section (4) of section 29 of the Real Estate (Regulation & Development) Act, 2016.

Fix **02.08.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)

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