

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

Complaint No.WBRERA/COM000130 & COM000512 (erstwhile WBHIRA)

Sibsankar Koley.....Complainant

Vs.

Satchidananda Mitra and Smt. Renu Bala Paul..... Respondents

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 13.06.2023	<p>Advocate Nirmalya Ghosh and Hitendra Pramanik are present on behalf of the Complainant (Sibsankar Koley) in the online hearing filing hazira and Vakalatnama through email.</p> <p>Respondent is absent in the online hearing despite due service of notice through speed post.</p> <p>Let the track record of due service of notice of hearing to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>At the time of hearing, it came to the notice of the Authority that on the selfsame matter, the Complainant had filed a Complaint case bearing number COM000512 before the erstwhile WBHIRA Authority .The said matter was not admitted for hearing till the struck down of the WBHIRA Authority by Hon'ble Supreme Court of India by an order dated 04.05.2021.</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.COM000512 already stand transferred before this Authority. As no hearing was done for that Complaint Petition before the erstwhile WBHIRA and on the selfsame matter the present Complaint bearing no. WBRERA/COM000130 has been filed by the Complainant therefore the Authority is hereby please to close and dismiss the Complaint no. COM-000512 and this Authority shall proceed with hearing of this present Complaint Petition bearing no. WBRERA/COM 000130.

As per the Complaint Petition, the Respondent-Developer entered into an Agreement for sale with the Complainant for sale of flat no. 3A at 3rd Floor on 19.01.2005 on receipt of initial consideration of Rs.1,50,000/-as per Sale Agreement. The Complainant paid full consideration amount of Rs.7,12,500/- for the said flat to the Respondent-Developer by way of pay orders of UCO Bank and cash on different dates. Original money receipts signed by the Respondent is with the Complainant as stated by him at the time of hearing. On 03.07.2006 the Respondent handed over the said flat with

unfinished stair-case, without lift facility as agreed upon and he assured the Complainant that the C.C/O.C for the said building shall be delivered to him within a month. Relying on good faith, the Complainant took over the possession of the said flat under protest but till date no copy of C.C/O.C has been delivered. Moreover, the Respondent adopted Unfair Trade Practices in presenting himself as Vendor in the Deed of Conveyance No. 190404295 dated 08.05.2017 which was duly registered at the ADSR, Kolkata.

The Complainant prays in this Complaint Petition for the following relief:-

- a) Refund of total Principle amount of Rs.7,12,500/- paid by the Complainant.
- b) Interest on the Principle amount as per law.

After hearing of the Complainant, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 days from the date of receipt of this order through email.

The Complainant is further directed to make a prayer to include '**Sona Enterprise**' situated at 13 Bangur Avenue, Block-B, Police Station - Lake Town, Kolkata - 700 055 and 58/56, Nagendra Nath Road, Police Station - Dumdum, Kolkata - 700 028, as Respondent no. 1 in this Complaint Petition. The Complainant shall make a prayer in this regard in his notarized

Affidavit as mentioned above.

The Complainant is hereby directed to provide email ID/s and contract number/s of the Respondent Companies name 'Sona Enterprise', the Sole Proprietor of Sachidananda Mitra and land owner Smt. Renu Bala Paul.

The Respondent is directed to submit his Written Response regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 days from the date of receipt of the Affidavit of the Complainant.

Fix **08.08.2023** for further hearing and order.

Sd/-
(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority

Sd/-
(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority

Sd/-
(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority

Certified to be true copy.

Sde
13.06.2023
Special Law Officer
West Bengal Real Estate Regulatory Authority