

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

Complaint No.COM 000717(erstwhile WBHIRA)

Surajit Singha Complainant

Vs.

1. Sonartori Projects

2. Amitabh Roy (constituted Power of Attorney of Sonartori Projects)..... Respondents

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 25.07.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Masooma Khan is present in the online hearing on behalf of the Respondent, filing hazira and Vakalatnama through email.</p> <p>This Complaint Petition was filed before the erstwhile WBHIRA. Later on, 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> <p><i>"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</i></p>	

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-000717 stand transferred to this Authority and this Authority shall now proceed with hearing of this present Complaint Petition bearing no. COM 000717.

Heard both the parties in detail.

As per the Complainant he has purchased apartment No. 402 in Block -A in the project of the Respondent named as **‘Pather Panchali Phase-I’** and Agreement for Sale was executed on 03.08.2018 between the parties. The completion date of the project was scheduled on December, 2020 along with the grace period. Total cost of the flat was Rs.45,58,251/-(Rupees forty-five lakhs fifty eight thousand two hundred fifty one only) and total amount paid by the Complainant is Rs. 37,94,853/-(Rupees thirty-seven lakhs ninety four thousand eight hundred fifty-three only). Till date the construction of the flat has not been completed and the Complainant has not received the possession of the flat from the Respondent.

Therefore the Complainant prayed for full refund of the principal amount paid by him along with interest as per law.

After hearing both the parties, the Authority is satisfied to admit this matter for further hearing and order and give the following directions:-

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 10 (Ten) days from today.

The Respondent is hereby directed to submit his Written Response on a Notarized Affidavit to the Complaint Petition and Affidavit of the Complainant, 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 10 (Ten) days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **14.09.2023** for further hearing and order.



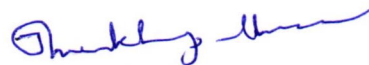
(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority