

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

Complaint No. WBRERA/COM000260

Chayan Purkayastha..... Complainant

Vs

M/s. Millennium India Construction ... Respondent No.1

Debasish Sarkar Respondent No.2

Samir Kumar Halder..... Respondent No.3

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 07.08.2024	<p>Advocate Mr. Sarosij Dasgupta and Advocate Mr. Shayamvar Deb (Mob. No. 9038688558 & email Id: shayamvar_deb@hotmail.com) are present on behalf of the Complainant, filing hazira and vakalatnama through email.</p> <p>Advocate Mr. Aurodeep Mukhopadhyay and Advocate Mr. Supratim Barik (Mob. No. 8961006464 & email Id:- supratimbarik007@gmail.com) are present on behalf of the Respondent, filing hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>Respondent did not submit till date any Affidavit inspite of giving last chance in the last order of the Authority dated 28.06.2024.</p> <p>At the time of hearing at first the Advocate of the Respondent tried to mislead the Authority by saying that already Affidavit has been sent to the Authority, then he said that he only sent it to the Complainant, complainant denied and then he admitted he has not submitted Affidavit till date.</p> <p>Authority took serious exception in this regard and directed the Respondent to pray unconditional apology in this regard in his Affidavit.</p> <p>On request Respondent is hereby given the last chance to file Notarized Affidavit stating the maintainability points and also Written Response against the Complaint Petition on merit.</p> <p>Respondent stated the following points regarding the maintainability of this Complaint Petition before the Authority at the time of hearing:-</p> <p>a) As the RERA Act, 2016 has come into operation in the year 2017 and AFS was executed on 2012 and RERA Act has no retrospective effect as per section 1(3) of the RERA Act, 2016.</p> <p>b) All the transactions were completed before RERA came into force therefore RERA is not applicable here and Complainant has to go to the</p>	

Civil court or Consumer Forum in this regard.

The Complainant stated at the time of hearing:-

Complainant stated that Agreement for Sale has never been terminated and it is subsisting till date, number of times Respondent stated that they will refund the amount but did not refund till date.

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

- a) Respondent is hereby given **the last chance** to file Written Response on Notarized Affidavit against the Complaint Petition and also Affidavit of the Complainant, annexing therewith notary/self attested photocopy of supporting documents, and send the Affidavit to the Authority, serving a copy of the same to the Complainant, both in hard and scan copies, within **10 days** from the date of receipt of this order of the Authority through email; and
- b) Respondent is also directed to submit in his Affidavit the maintainability points as well as his Written Response regarding the Complaint Petition and Affidavit of the Complainant; and
- c) Complainant is directed to file a Reply/Rejoinder on Notarized Affidavit within **10 days** from the date of receipt of the Affidavit of the Respondent, serving a copy of the same to the Respondent, both in hard and scan copies; and
- d) The **Interim Order** dated 28.06.2024, in the order portion, at point no. (d), given by this Authority in this matter shall remain in force till the disposal of this matter or until further order, whichever is earlier.

Fix **25.10.2024** for further hearing and order.


(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority