

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

Complaint No.WBRERA/COM(PHYSICAL)000018

Mrs. Padam Gupta .....Complainant

Vs.

Riverbank Developers Pvt. Ltd. .... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
(1) Execution ----- 06.06.2023	<p>Advocate Rahul Poddar (Advocate on Record) and Counsel Mr. Debdatta Saha are present on behalf of the Complainant in the online hearing filing hazira and Vakalatnama through email.</p> <p>Advocate Devanshi Prasad is present in the online hearing on behalf of the Respondent filing hazira and vakalatnama through email.</p> <p>Today this matter is taken up for Execution Hearing of the order of this Authority bearing No. 4 and 5 dated 28.03.2023 in the Complaint Petition No. WBRERA/COM(PHYSICAL)000018. The final order of this matter was passed on 28.03.2023 and a Corrigendum of the said order was issued on 28.03.2023.</p> <p>The Complainant has submitted an application for Execution of the orders of the Authority mentioned above on 23.05.2023.</p> <p>Let the Execution application of the Complainant dated 23.05.2023 be taken on record.</p>	

Complainant submitted today at the time of hearing that no amount has been refunded by the Respondent till today and she prayed for immediate Execution of the matter as per the provisions of Real Estate (Regulation & Development) Act, 2016 and Rules made there under.

The Complainant was apprised at the time of hearing that the order dated 28.03.2023 may be executed either by the provision of Rule 25 of the Real Estate (Regulation & Development) Rules, 2021 by sending it to the concerned District Magistrate for recovery of the amount due as per the provisions of Bengal Public Demands Recovery Act, 1913 or it may be sent to the Principle Civil Court having jurisdiction to execute the same as per the provisions of Rule 26 of the said Rules.

The Complainant consented for sending this matter for execution to the District Magistrate of the concerned District in whose jurisdiction the said property is situated, as per the provisions contained in section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021.

Therefore, this Authority is hereby pleased to send this matter for execution to the District Magistrate of South 24-Parganas to execute this order as per section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021. As per rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, the amounts due shall be recovered by the concerned District Magistrate as arrears of land revenue and shall be recovered in the manner provided in the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3 of 1913).

The Secretary, West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to send certified copies of this order and final order and Corrigendum of the final order of this Authority dated 28.03.2023 in this matter alongwith copy of the Complaint Petition, to the District Magistrate of South 24-Parganas, requesting him to initiate a Certificate Case under the Bengal Public Demand Recovery Act, 1913, as per this order of the Authority,

The District Magistrate South 24-Parganas, is hereby directed to execute the order dated 28.03.2023 in WBREERA/COM(PHYSICAL)000018 passed by this Authority, as per the provisions contained in rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, within **a month** from the date of receipt of the certified copy of the order dated 28.03.2023 and Corrigendum of the said order dated 28.03.2023 and other documents from the Secretary, WBREERA and send the compliance report to this Authority within six weeks.

It should be mentioned here that in a similar case, the Hon'ble Supreme Court of India, in petition for Special Leave to Appeal (C) No.16908/22, has been pleased to order as follows;-

“We direct, that the authority shall proceed to execute the order which has been passed in favour of petition expeditiously, within **a month** from the date of receipt of a certified copy of this order by the executing forum”.

As the present matter is similar to that of the matter heard by the Supreme court of India as mentioned above, therefore, the Authority directs the District Magistrate of South 24-Parganas, to take necessary action to execute this order within **a month** from the date of receipt of certified copy of this order along with other papers and documents from this Authority.

Complainant is at liberty to pursue with this matter in the office of the District Magistrate, South 24-Parganas to get refund of the remaining amount as per the order of the Authority dated 28.03.2023.

Let the copy of this order be served to both the parties by speed post and also by email immediately.

Fix this Execution Case in the list of cases in the month of November' 2023, for report and compliance.



(SANDIPAN MUKHERJEE)

Chairperson

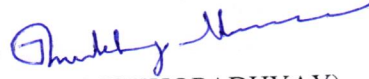
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority