

**BEFORE THE WEST BENGAL REAL ESTATE APPELLATE TRIBUNAL  
KOLKATA - 700 075**

**APPEAL NO. REAT/APPEAL No. – 01/2023**

Present: 1. Shri Gour Sundar Banerjee  
Hon'ble Judicial Member  
2. Shri Subrat Mukherjee  
Hon'ble Administrative Member

SHRI MOTILAL JHALANI

Flat No. 302, Radha Krishna Apartment,  
Hanskhali Pool, Andul Road, Bakultala,  
Howrah – 711 109.

..... Appellant

Vs.

M/s Bengal Shrachi Housing Development Ltd.  
Shrachi Towers, 686, Anandpur, EM Bypass,  
Kolkata – 700 107.

..... Respondent

**Order No. 03 dated 02/06/2023**

The record is taken up for admission hearing in presence of Appellant **Mr. Motilal Jhalani** who is present in person by filing Hazira. It may be mentioned that in the earlier order dated 30.05.2023 no order number was mentioned due to typographical mistake and accordingly let the order No. be corrected. Heard the appellant who made his submission before the Bench.

It may be mentioned that as per provisions of RERA this two membered Bench is legally entitled to hear this Appeal.

Perused the record from which it reveals that the present appeal is filed challenging the **order No. 2 dated 06.04.2023** passed by Ld. West Bengal Real Estate Regulatory Authority by which the complaint of appellant was rejected. It further reveals that it was the contention of the appellant before the Ld. Authority for delivery of possession of flat booked by him at Rs. 11,40,000/- (Rupees Eleven Lac forty thousand only) from the respondent Housing Company namely **M/s Bengal Shrachi Housing Development Ltd.** It was the further contention of the appellant before the Ld. Authority that the **Annexure B-7 / B-8** i.e. Notification issued by Govt. of West Bengal is not applicable in this case and he is not liable to pay the price of the flat at revised rate as claimed by the respondent Company.

Having considered all the facts and circumstances, we are of opinion that it is a fit case for **admission**, accordingly the instant Appeal is **admitted**. Let the impugned **order no. 2 dated 06/04/2023** passed in complaint number **wbrera.com (physical) 000038** be stayed till further **order**.

Let a copy of this order be sent to the respondent by speed post and by e-mail to the Respondent for appearance in person or by representative.

The Secretary in-charge is to ensure the deposit of application money deposited vide **DD No. 357579 dated 08/05/2023** in the account of West Bengal Real Estate Appellate Tribunal.

Appellant is to take steps for sending copy of order along with copy of Memorandum of Appeal and any new documents, if any, which he did not file before the Ld. Authority fixing **12/06/2023 at 2 pm. for SR/appearance/WO.**

Let the matter be published in diary and cause list under the signature of Secretary in-charge. Let a copy of this order be sent to the Ld. Authority and Secretary in-charge West Bengal Real Estate Appellate Tribunal and the appellant for information.

Sd/-  
Technical/Administrative Member  
West Bengal Real Estate Appellate  
Tribunal

Sd/-  
Judicial Member  
West Bengal Real Estate Appellate  
Tribunal

By Order of WBREAT

Dated:

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Authorised Signatory