

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

APPEAL NO. WBREAT/APPEAL No. – 03/2023

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

JALAN BUILDERS PRIVATE LIMITED

Marbel Arch, 2nd floor, 236 B,
AJC Bose Road, Kol – 700 020

..... Appellant

Vs.

SWAPNA ROY AND PRABUDDHA KUMAR ROY

Flat No. 1C-10, Thakurpukur Co-op Housing
Society Ltd.(Phase-1), 263, M.G. Road,
P.S. Haridevpur, Kolkata – 700 104.

..... Respondent

Order No. 02 dated 14/07/2023

The record is placed before the Bench for the hearing regarding admission of the appeal. Respondent Shri Prabuddha Kumar Roy filed a petition praying for permission to conduct the case by himself on behalf of the respondents. Prayer is allowed. He also filed copy of documents with list which is kept in the record. Both the Respondents present in persons. On perusal of record it reveals that the Appellant did not comply with the proviso of section 43(5) RERA Act which states, “no Appeal shall be entertained, without the Promoter first having deposited with the Appellate Tribunal or the total amount be paid to the allottee before the said Appeal is heard”. Ld. Advocate for the Appellant is present by filing Hazira and submitted that he will comply with the order of the Tribunal regarding compliance of section 43(5) RERA Act. Heard the respondent in person. Ld. Lawyer for the Appellant filed a petition along with the certified copy with the impugned order which he could not file at the time of preferring Appeal. Let the same be tagged with the Memorandum of Appeal.

The Financial Officer is to take steps for deposit of Rs. 1,000/- (one thousand) only deposited by Appellant vide DD No. 518722 dated 01/07/2023 in the account of WBREAT under the signature of Secretary in-charge WBREAT. Fix 21.07.2023 at 2 pm. for order regarding admissibility of the Appeal. Inform all concerns by e-mail along with the copy of this order.

Dictated.

Judicial Member
West Bengal Real Estate Appellate
Tribunal

Technical/Administrative Member
West Bengal Real Estate Appellate
Tribunal