

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

**WBREAT / APPEAL No. – 010/2024**

- Present: 1. Justice Rabindranath Samanta  
Hon'ble Chairperson
2. Shri Gour Sundar Banerjee  
Hon'ble Judicial Member
3. Dr. Subrat Mukherjee  
Hon'ble Administrative Member

**Yes Bank Limited**

..... Appellant

-Vs -

**Mega Resources Ltd.**

.....Respondent

1. Mr. Abir Lal Ghosh, Advocate  
2. Md. Sourjya Roy, Advocate  
3. Mr. Raja Roy Chowdhury, Advocate

**For the Appellant**

**Order No. 01 dated 05/07/2024**

The Appeal is taken up for hearing on admission.

We have heard Mr. Abir Lal Ghosh, learned Counsel for the Appellant.

This appeal has been preferred challenging the Order dated 24<sup>th</sup> June, 2024, passed by the learned West Bengal Real Estate Regulatory Authority (for short Regulatory Authority) in complaint No. WBRERA/COM 000934.

The Appeal has been filed within the statutory period of 60 days.

We have perused the certified copy of the impugned Order dated 24<sup>th</sup> June, 2024, passed by the learned Regulatory Authority in the aforesaid complaint.

Admit the Appeal.

Mr. Abir Lal Ghosh, learned Counsel appearing for the Appellant submits that before the allotment of the project was made to different allottees, the promoter namely Ideal Real Estates Private Limited transferred the project to the Appellant by way of deed of mortgage in the year 2019. According to Mr Ghosh, the rigour of the provisions under Section 15 of the Real Estate (Regulation and Development) Act, 2016 will not be attracted in the instant matter. Learned Counsel submits that by virtue of the Order passed by the Debts Recovery Tribunal his client proceeded to take possession of the flat in question. Learned Counsel also submits that no reasonable opportunity of hearing was granted to his client before passing the impugned Order. Learned Counsel argues that the impugned Order passed by the learned Regulatory Authority is not warranted by law. In such context, learned Counsel submits that the impugned Order as passed by the learned Regulatory Authority be stayed for the time being.

What we find, no separate application has been made by the Appellant seeking stay of the impugned Order.

We feel that for proper adjudication of the Appeal, the presence of the promoter namely Ideal Real Estates Private Limited is required and the promoter is a necessary party to the appeal.

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Therefore, the Ideal Real Estates Private Limited, 50, Jawahar Lal Nehru Road, Post Office – Little Russel Street, Police Station – Shakespeare Sarani, Kolkata – 700 071 is added as Respondent No. 2 to the Appeal.

The office is directed to incorporate the name of the promoter namely Ideal Real Estates Private Limited in the Memorandum of Appeal as Respondent No. 2.

Amend the Memorandum of appeal accordingly.

The Appellant is directed to serve notice along with a copy of the amended Memorandum of Appeal upon the Respondents by Speed Post with acknowledgement due within 10 days from date.

Having considered the submission of learned Counsel for the Appellant and on consideration of all aspects of the matter we feel that in the absence of separate application for stay of the impugned Order it will not wise to pass any Order of interim nature at this stage.

Accordingly we decline to pass any interim Order of stay at this stage.

List the Appeal for appearance of the Respondents and hearing of the Appeal on 23<sup>rd</sup> July, 2024 at 11.30 A.M.

The Respondents may file objection, if any, to the Memorandum of Appeal by the returnable date.

The Appellant shall communicate a copy of this Order to the Respondents along with notice.

Communicate this Order to the learned Advocate for the Appellant by e-mail immediately.

Sd/-  
JUSTICE RABINDRANATH SAMANTA  
Chairperson  
West Bengal Real Estate Appellate Tribunal

Sd/-  
GOUR SUNDAR BANERJEE  
Judicial Member  
West Bengal Real Estate Appellate Tribunal

Sd/-  
Dr. SUBRAT MUKHERJEE  
Technical/Administrative Member  
West Bengal Real Estate Appellate Tribunal