

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

- 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

WBREAT/APPEAL NO. – 01/2024

M/s MAA BATAI CONSTRUCTION

472/2, Sarat Chatterjee Road,
P.O. & P.S.-Shibpur
Howrah – 711 103.

.....Appellant

Vs.

SMT. BHARATI DAS & ASIS DAS

Uttarayan Apartment, 2nd Floor, Panchbati,
Natagarh Main Road, P.O.-Natagarh, P.S.- Ghola, Sodepur,
Kolkata – 700 113.

..... Respondents

For the Appellant

Mr. Debasis Chattopadhyay, Advocate

For the Respondent No. 1

Smt. Bharati Das, the Respondent No. 1 in person

For the Respondent No. 2

None represents

Order No. 04 dated 02/04/2024

The Appellant is represented by Mr. Debasis Chattopadhyay, Learned Advocate.

The Respondent No. 1 Smt. Bharati Das appears in person.

The Appellant by filing an application prays for stay of Order No.3 dated 12.06.2023 passed in the Complaint Case No. WBRERA/COM-000040, Order No.2 dated 06.02.2024 passed in the Execution Case by the West Bengal Real Estate Regulatory Authority and the Certificate Case initiated by the Certificate Officer, Howrah vide Memo No. 137(2)/Cert/How dated 13.03.2024 on the grounds as stated in the application.

We have heard Learned Advocate for the Appellant.

We have heard the Respondent No. 1 in person.

As it appears, the Appellant has paid an amount of Rs.11,00,000/-(Rupees eleven lakhs only) and interest of Rs.1,19,583/-(Rupees one lakh nineteen thousand five hundred eighty three only) thereon to the Complainant. Besides, the Appellant has deposited an amount of Rs.8,74,773/-(Rupees eight lakhs seventy four thousand seven hundred seventy three only) in terms of the direction made by the West Bengal Real Estate Regulatory Authority as well as by this Tribunal.

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The amount of Rs.8,74,773/-(Rupees eight lakhs seventy four thousand seven hundred seventy three only) has been deposited as SBI Prime Lending Interest +2% as per Section 43(5) of the Real Estate(Regulation and Development) Act, 2016. Since, the Appellant has paid the aforesaid amount to the Complainant and deposited the amount of Rs.8,74,773/-(Rupees eight lakhs seventy four thousand seven hundred seventy three only) as above, we feel that the Orders passed by the West Bengal Real Estate Regulatory Authority and the Certificate Proceeding initiated by the Certificate Officer may be stayed.

Accordingly, the application is allowed.

Let the Order dated 12.06.2023 passed by the West Bengal Real Estate Regulatory Authority in the Complaint Case, the Order dated 06.02.2024 passed by it in the Execution Case and the Certificate Case initiated by the Certificate Officer, Howrah be stayed till disposal of the Appeal.

The Respondent No.1 submits that she be given some time to file written objection. The Respondent No.1 is directed to file objection positively by 9th of April, 2024 and the copy of which shall be served upon the Appellant immediately thereafter.

On consent of the parties the Appeal is taken for hearing.

We have heard the Learned Advocate for the Appellant at a considerable length.

List the Appeal on 12th of April, 2024, for further /continuing hearing.

Sd/-

JUSTICE RABINDRANATH SAMANTA
Chairperson
West Bengal Real Estate Appellate Tribunal

Sd/-

GOUR SUNDAR BANERJEE
Judicial Member
West Bengal Real Estate Appellate Tribunal

Sd/-

SUBRAT MUKHERJEE
Technical/Administrative Member
West Bengal Real Estate Appellate Tribunal