

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

APPEAL NO. WBREAT/APPEAL No. – 01/2024 (defective)

Present: 1. Shri Gour Sundar Banerjee
[Additional District Judge (Retd.)]
Hon'ble Judicial Member
2. Shri Subrat Mukherjee
Hon'ble Administrative Member

M/s MAA BATAI CONSTRUCTION

472/2, Sarat Chatterjee Road,
Po. & PS. Shibpur,
Howrah – 711 103.

..... Appellant

Vs.

SMT BHARATI DAS & ASIS DAS

Uttarayan Apartment, 2nd Floor, Panchbati,
Natagarh Main Road, Po. Natagarh, PS: Ghola, Sodepur,
Kolkata – 700 113.

..... Respondent

Order No. 3 dated 12/03/2024

Perused the Office note sheet. Appellant is present with his Ld. Lawyer by filing Hazira, he also filed one calculation sheet regarding up to date interest along with a petition duly authorized by Appellant Company that he already paid Rs. 11,000,00/- (Rupees Eleven Lac) only to the Respondent by RTGS through Ujjivan Small Finance Bank and also filed notarized copy of Bank statement regarding payment to the account of Respondent Dr. Bharati Das. Also Perused the Limitation Petition filed U/s 5 of Limitation Act dated 06/02/2024.

Regarding payment of Rs. 11,000,00/- (Rupees Eleven Lac) only to the Respondent is accepted subject to the confirmation of the Respondent. Regarding payment of up to date interest as per Order dated 06/02/2024, he filed a demand draft being No. 0090/2024 dated 12/03/2024 amounting Rs. 8,74,773.00/- (Rupees Eight lac Seventy Four thousand Seven hundred Seventy Three) only drawn on PNB. So it reveals that the Appellant provisionally complied with the direction given vide Order dated 06/02/2024 for compliance U/s 43(5) RERA Act.

Regarding prayer for condonation of delay Appellant filed copy of certificate of Dr. S.P. Mondal and Dr. S.P. Sinha and submitted due to Bike Accident he was bed ridden for four months. Heard, Perused the certificate and consider the submission of Ld. Lawyer and considering all aspects the explanation for condonation of delay is accepted as sufficient and accordingly the delay of 209 days is hereby condoned and accordingly the Appeal is admitted provisionally subject to the confirmation of the payment of Rs. 11,00,000/- (Rupees Eleven lac) only to the Respondent later on. Let the original F.D. be kept in Official safe custody of F.O.

Contd. in page 2

The Secretary WBREAT is to ensure the deposit of the demand draft No. 0090/2024 dated 12/03/2024 of Rs. 8,74,773.00/- (Rupees Eight lac Seventy Four thousand Seven hundred Seventy Three) only through F.O. / Accountant in the A/c of WBREAT and to deposit encashed amount in a short term F.D. scheme as directed vide Order No. 1 dated 06/02/2024 immediately giving intimation / copy to deposit of this Tribunal for keeping in the record for future reference. Fix 02/04/2024 for appearance by personally or through representative as per provision of RERA Act and filing W/o if any, in the mean time Appellant is directed to send the relevant copies of Documents & Memorandum of Appeal etc. to the Respondent by e-mail and post.

Let a copy of this Order be sent to the Appellant and Respondent and all concerned as usual by e-mail and publish in the cause list.

Dictated

Sd/-
Chairperson
West Bengal Real Estate
Appellate Tribunal

Sd/-
Judicial Member
West Bengal Real Estate
Appellate Tribunal

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