

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

**WBREAT / APPEAL No. – 008/2024**

- 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

**Shri Sibsankar Koley** ..... Appellant  
- Vs -

4. **M/s Sona Enterprises**  
..... Respondents
5. **Satchidananda Mitra, Developer & Proprietor**
6. **Smt. Renubala Paul, Owner / Vendor**

**For the Appellant**

1. Mr. Subhas Basu, Advocate  
2. Mr. Nirmalya Ghosh, Advocate

**Order No. 01 dated 28/06/2024**

The Appeal is taken up for hearing on the point of admission.

We have heard Mr. Subhas Basu, learned Counsel for the Appellant.

Learned Counsel for the Appellant submits that though the impugned Order was passed on 30<sup>th</sup> January, 2024, but his client received the copy of the Order on 21<sup>st</sup> May, 2024. Learned Counsel points out that since the Appeal has been preferred within sixty days from the date of receipt of the Order from the learned West Bengal Regulatory Authority on 21<sup>st</sup> May, 2024, the Appeal has been preferred within time.

Section 44(2) of the Real Estate (Regulation and Development) Act, 2016 provides that every Appeal made under Sub-section (1) shall be preferred within a period of sixty days from the date on which a copy of the direction or Order or decision made by the Authority or Adjudicating Officer is received by the appropriate Government or the Competent Authority or the aggrieved person and it shall be in such form and accompanied by such fees, as may be prescribed.

From a photo copy of an Advocate's letter and from a print-out of a communication vide e-mail from the learned Regulatory Authority it appears that the Appellant received the copy of the impugned Order on 21<sup>st</sup> May, 2024.

Therefore, we find that the Appeal has been filed within time.

We have perused the impugned Order dated 30<sup>th</sup> January, 2024 passed by the learned West Bengal Real Estate Regulatory Authority in complaint No. WBRERA / COM000130.

Admit the Appeal.

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Call for the case record in connection with complaint No. WBRERA / COM000130 from the learned Regulatory Authority by 16<sup>th</sup> July, 2024.

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

List the Appeal for appearance of the Respondents and hearing on 19<sup>th</sup> July, 2024 at 11.00 A.M.

The Appellant is directed to file the affidavit of service by the returnable date.

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

JUSTICE RABINDRANATH SAMANTA  
Chairperson  
West Bengal Real Estate Appellate Tribunal

GOUR SUNDAR BANERJEE  
Judicial Member  
West Bengal Real Estate Appellate Tribunal

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