

22.05.2026
Ct. No.6
Sl. No.14
skg

C.O. 1694 of 2026

**Merlin Ganges Projects
Vs.
Neeraj Agarwala**

Mr. Jishnu Chowdhury, Sr. Adv.,
Mr. Satadeep Bhattacharyya,
Mr. Saptarshi Datta,
Ms. Ujyayani Chatterjee,
Ms. Sriparna Mitra,
Ms. Srinjita Ghosh,
Mr. P.K. Pal,
Mr. Debdut Hore,

...for the Petitioner

1. This revisional application is directed against an order dated April 9, 2026 passed by the West Bengal Real Estate Regulatory Authority (in short 'WBREERA') whereby the petitioner has been directed to pay to the opposite party interests on the amount invested by the opposite party at SBI P.L.R. plus 2% to be calculated for the period starting from 01.04.2024 to 31.07.25 through bank transfer within 45 days from the date of receipt of the said order.
2. Mr. Chowdhury, learned Senior Advocate appearing for the petitioner submits that the project got delayed for reasons not attributable to the petitioner and that in a similar situation WBREERA had granted extension of time for completion of the project by imposing conditions similar to the ones that have been imposed on the petitioner by the order impugned. He has taken

this Court through the order dated April 12, 2024 passed in Appeal no. 02/2024 by the West Bengal Real Estate Appellate Tribunal (at page 452 volume IV of the revisional application) to demonstrate that imposition of such conditions was done away with by the said appellate tribunal in the said appeal.

3. Mr. Chowdhury submits that the said appellate tribunal is non-functional as on date since the presiding/judicial member of the appellate tribunal is not there. He further submits that although the petitioner has filed appeal before the appellate tribunal the same would not be heard as the appellate tribunal is lacking complete quorum. He relies on the order dated May 14, 2026 passed by the appellate tribunal in such context.
4. Having regard to the fact that the appellate tribunal is not having complete quorum as is evident from the order dated May 14, 2026 (at page 764 of the revisional application) the revisional application is entertained.
5. Having heard Mr. Chowdhury learned Senior Advocate appearing for the petitioner and having perused the material on record this Court is *prima facie* satisfied that the conditions imposed by RERA may not be justified in view of the order passed by the appellate tribunal in the petitioner's own case in respect of a different project as indicated hereinabove.

6. In such view of the matter, there shall be an unconditional stay of the order impugned dated April 9, 2026 passed by RERA to the extent the same directs the petitioner to pay to the complainant *“interest on the amount invested by the complainant the rate SBI P.L.R. plus 2% to be calculated for the period starting from 01.04.2024 to 31.07.2025, through bank transfer within 45 (forty five) days from the date of receiving this order of this Authority by speed post or by email whichever is earlier”* for a period of three weeks from date.
7. The stay shall continue thereafter only upon the petitioner depositing the amount as directed by RERA in the afore-quoted portion with the learned Registrar General of this Court by way of a demand draft and not otherwise. It is clarified that the other direction as regards execution of conveyance made by RERA in the order impugned is not stayed.
8. The petitioner shall serve a copy of the revisional application along with notice upon the opposite party intimating the opposite party that the matter shall be listed next on June 23, 2026 as “New Motion”.
9. Affidavit of service shall be filed to that effect on the returnable date.

(Om Narayan Rai, J.)