

15.06.2026
SL No.6
Court No.12
(gc)

**CO 2941 of 2025
CAN 4 of 2026
CAN 5 of 2026**

**Ideal Real Estates Pvt. Ltd.
Vs.
Anil Kr. Agarwal**

Mr. Shaunak Ghosh,
Ms. Shreyashi Maity
...for the Applicant/Petitioner.
Mr. Ayan Banerjee,
Mr. Paritosh Sinha,
Ms. Debjani Sengupta,
Mr. Sanshik Chowdhury
...for the Opposite Party.

Re: CAN 4 of 2026

1. CAN 4 of 2026 is an application for condonation of delay of 38 days in filing the modification application.
2. The delay has been sufficiently explained.
3. The application is allowed.
4. The modification application is regularized.

Re: CAN 5 of 2026

5. The applicant prays for modification of the order dated February 27, 2026, only to the extent that the expression "Tribunal" in several paragraphs of the said order, should be read as the "RERA Authority". This Court is of the view that the expression "Tribunal" clearly indicates the RERA authority if the order sought to be modified is read in its entirety. The applicant submits that the RERA authority refused to take steps as directed by this Court in CO 2941 of

2025 only on the ground that the expression “Tribunal” would mean the Appellate Tribunal. The Court clarifies the position that the matter was relegated to the RERA authority for a decision.

6. Mr. Banerjee, learned Advocate for the opposite party submits that that the order of this Court has been challenged before the Hon’ble Apex Court and the applicant cannot approbate and reprobate. On the one hand the applicant seeks orders to ensure compliance of the decision taken by this Court and on other hand has also pursued the remedy of an appeal before the Hon’ble Apex Court. I am not inclined to make any observation on this issue. It is left open, to be urged at the appropriate stage.
7. The applicant submits that compliance of the order by the RERA authority has not been effected only on the ground of a confusion with regard to the expression “Tribunal”. The clarification sought for by the applicant, is provided.
8. Application for modification is, accordingly, disposed of.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)