

10.04.2026
Ct. No. 30
S.L. No.28
SM

CO 3768 of 2023
Sri Pranay Kumar Goswami & Anr.
Versus
Dream Residency Twins & Ors.

Mr. Debdut Mukherjee
Mr. Kaushik Banerjee
Ms. Rashmita Sen
.....for the petitioner

1. Copy of notice served upon the learned counsel for the opposite parties is filed.
2. None appears for the opposite parties.
3. The Civil Revision has been preferred challenging orders No. 16, 17 and 22 dated December 19, 2022, March 10, 2023 and September 27, 2023 passed by the Hon'ble State Consumer Disputes Redressal Commission, in IA /214/2023 arising out of Execution Application No. EA/123/2018.
4. Vide the impugned order dated 19th December, 2022, the decree holder/petitioner's application being IA/30/2021 was heard. The said application had been preferred by the petitioner herein, praying for an occupancy certificate from the concerned Municipality.
5. Considering the prayer of the petitioner the Commissioner was of the view as follows:-

"Now, we perused the certificate issued by Rajarhat Gopalpur Municipality. The caption was that form of

granting/occupancy certificate but at the bottom of the said certificate dt. 22.02.2013 it has been clearly mentioned that it was the completion certificate for G+6 storied building.”

And as such the petitioner’s application was rejected and the petitioner vide the same order was directed to comply with the order no. 5 dated 09.09.2019.

6. The next order under challenge is dated 10th March, 2023. It appears that vide the said order again the decree holder/petitioner was directed to comply with the order No. 5 dated 09.09.2019.

7. Finally, the order dated 27.09.2023 has been challenged where again the decree holder/petitioner’s application has been rejected and he has been directed to comply with the order 5 dated 09.09.2019.

8. Learned counsel appearing for the petitioner has placed order no. 5 dated 09.09.2019, wherein the commission has passed the following order:-

“D.Hr. as well as J.Dr. No. 1 are present through their Ld. Advocates. When the record was taken up for consideration, Ld. Advocate for the D.Hr. prays for time to file IA.Ld. Advocate for J.Dr. No. 1 has submitted that Completion Certificate/Occupancy

Certificate has been obtained on 22.02.2013 and as such his client is entitled to get Rs.5,32,101/-,

Considering the above, fix 27.01.2020 for hearing IA, if any, by the parties and for report compliance by the J.Dr. No.1.”

9. It thus appears from the said order no. 5 dated 19th September, 2019, that no final order or direction was passed by the commission directing the decree holder/petitioner to make the payment of Rs. 5,32,101/-.

10. It is clear from the said order dated 9th September, 2019 that the commission directed the IA to be fixed for hearing. It is thus rightly submitted by the learned counsel for the petitioner that as there has been no specific direction for making the said payment, the subsequent orders that is the impugned orders under challenge are also not in accordance with law as they direct the petitioner to comply with a direction which is absent in the order dated 9th September, 2019.

11. On hearing the petitioner and on perusal of the materials on record, this Court finds that the petitioner's case has merit and accordingly the impugned orders No. 16, 17 and 22 dated December 19, 2022, March 10, 2023 and September 27, 2023

are hereby set aside, being not in accordance with law.

12. State Consumer Disputes Redressal Commission, Kolkata is directed to **conduct a hearing as directed by its order no. 5 dated 9th September, 2019**, on hearing both the parties and considering the documents filed by the parties before the Commission and proceed in accordance with law.

13. The Commission shall proceed to dispose of the same expeditiously preferably within 60 days from the date of this order.

14. Civil Revision stands disposed of.

15. Interim order, if any, stands vacated.

16. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]