ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000036 of 2019

Wrheetooparno Khan......Complainant

AND

Subhajit Saha.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
Dictated & corrected by me	An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. COM-000036 dated 08/02/2019 at the WB Housing Industry Regulatory Authority from Complainant Wrheetooparno Khan of 22, Lila Bhaban, Ghosh Para, Sarat Ghosh Garden Road, Haltu, Kolkata-700078 and as per Rule 36 of the West Bengal Housing Industry Regulation Rules, 2018, NOTICE was issued for the alleged contravention and the Respondent as well as the Complainant were directed appear for hearing at the Office of the WB Housing Industry Regulatory Authority on 30/4/19.	= 1
	On 30/4/19, both the parties appeared. The Complainant in his complain has stated that the Complainant had booked a one bhk flat of 415 sq feet at Skywood Greens on 3rd March 2013 and 50 percent of the initial payments of 4,89,680 INR were done. After that there was no contact from the Respondent's end and also no progress of work was there. In 2017 January, the Complainant found the details of developer from newspaper advertisement and contacted the Respondent when the Respondent said that due to change of management the delay has happened, and work will start shortly. The Respondent also stated that due to change of floor plan from Respondent's end, the Respondent offered the Complainant a two bhk flat measuring 657 sq feet to which the Complainant agreed. The Complainant again made payment of 4,35,320 INR via three cheque's dated 10.03.2017, 27.03.2017, 25.04.2017 in respect of the said 2 bhk flat but still the project had not been completed and possession date mentioned in agreement has also elapsed. The Complainant also stated that the Respondent misguided him showing the wrong tower and as per agreement completion date of project got over but the Complainant has not got possession of the flat. The Complainant had sought relief for an order for refund of the entire amount along with the applicable bank interest rate.	

During the hearing, the Respondent sought time to file reply. Accordingly, the next date of hearing was fixed on16/5/2019.

On 16/5/19, both the parties appeared and the Respondent duly filed his reply.

The Respondent in his reply has submitted that the Respondent is ready to hand over the said booked Flat to the Complainant and if the Complainant wants refund of the money paid by the Complainant, the Respondent shall refund the said money in 7 (seven) installments as the Respondent is passing through extreme financial hardship. Accordingly the next date of hearing was fixed on 29.05.2019.

On 29/05/19, the Complainant appeared but the Respondent failed to appear in spite of proper notice. During the hearing the Complainant submitted that he wants refund of the money paid to the Respondent along with interest as per the prevailing laws.

I have gone through the complaint, documents submitted by both the parties and the submission made by both the parties during the hearing.

It is fact that the complaint has paid an amount of Rs. 9,25,000/- to the Respondent and the project has not been completed yet. It is also a fact that the Respondent is ready to handover the said booked Flat to the Complainant or refund the amount paid by the Complainant in 7 (seven) equal installments but the Complainant during the hearing submitted that the complaint wants refund of the amount paid along with interest.

Therefore, it is hereby ordered that the Respondent shall refund the entire amount to the Complainant along with interest @ State Bank of India Prime Lending Rate plus 2% per annum as per rule 18 of the West Bengal Housing Industry Regulation Rules,2018, from the date of payment made by the Complainant till the date of refund. Such refund of the entire amount along with the interest shall be made by the Respondent within a period of 45 days from the date of communication of this order.

The matter is hereby disposed of.

Let the copy of the order be communicated to both the parties.

Dictated & corrected by me

Designated Authority,

Housing Industry Regulatory Authority