

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000044 of 2019

Debansu Sekhar Ray.....Complainant

AND

M/s Dharitri Infraventure Pvt. LtdRespondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
4 ----- 30-04-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. COM-000044 dated 28/02/2019 at the WB Housing Industry Regulatory Authority from Complainant Debansu Sekhar Ray 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, Calcutta Greens Commercial Complex (1st Floor), 1050/2, Survey Park, Kolkata-700 075 along with relevant documents, if any, on 19/03/2019.</p> <p>On 19/03/2019, both the parties appeared for hearing. The complainant in his complaint had stated that in terms of agreement between the complainant and the respondent, the respondent has failed to comply with the said agreement and unsatisfactory progress of work as the respondent has not even laid down single brick in the site which resulted in the complainant's claim for refund of advance of earnest money from the respondent. The complainant further stated that the respondent agreed to refund the advance and earnest money and accordingly the respondent issued 4 (four) A/c payee cheques each for Rs. 1,85,000/- in favour of the complainant but the said 4 (four) cheques were refunded unpaid for insufficient fund.</p> <p>The complainant sought relief in his complaint that the refund of the advance and earnest money of Rs. 7,40,000/- with interest and monetary relief.</p> <p>During the hearing the respondent sought time to file reply. Accordingly, the next date of hearing was fixed on 09.04.2019.</p>	

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On 09/04/2019, Complainant appeared and filed hazira but the Respondent was absent in spite of proper notice.

During the hearing, the Complainant stated that the Respondent **M/s Dharitri Infraventure Pvt. Ltd** requested the Complainant for a meeting on 21/03/2019 at 2.00 p.m at their office for settlement of the dues and accordingly, the Complainant attended the meeting in scheduled time but no settlement proposal was received from the Respondent.

Since the Respondent did not furnished any reply though he had sought time during last hearing dated 19/03/2019 to file reply, last opportunity was provided to the Respondent to file their reply. Accordingly, the next date of hearing was fixed on 30.04.2019.

On 30.04.2019, during the hearing both the parties appeared but the respondent failed to file their reply.

I have gone through the complaint submitted by the complainant and the submissions made by both the parties during the hearing.


It is fact that the Respondent has received Rs 7,40,000/- from the Complainant and failed to adhere to the terms of the agreement executed between them.

Accordingly, the Respondent contravened the provision of Section 17 of West Bengal Housing Industry Act, 2017 by not handing over the possession.

It is hereby ordered that the respondent shall make payment of the entire amount paid by the complainant along with interest as per State Bank Prime Lending Rate plus 2% per annum as per Rule 18 of the West Bengal Housing Industry Regulation Act, 2018 from the date of payment made by the complainant till the date of refund of the said amount within period of 45 days from the date of communication of this order.

The matter is disposed of.

Let a copy of the order be given to both the parties.


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& corrected
by me


Designated Authority,
Housing Industry Regulatory Authority,
West Bengal