

**Office of the Housing Industry Regulatory Authority, West Bengal
Calcutta Greens Commercial Complex(1st Floor),
1050/2, Survey Park, Kolkata-700 075**

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NOTICE

Order No. 1 dated 04/12/2019 in Complaint No. **COM-000174** dated **06/11/2019**, WB HIRA Authority will take up the complaint for further hearing and orders on **10/01/20 at 11.00 am** at the Office of the WB Housing Industry Regulatory Authority, Calcutta Greens Commercial Complex (1st Floor), 1050/2 Survey Park, Kolkata-700 075, in accordance with Rule 36 of West Bengal Housing Industry Regulation Rules,2018 (Copy of Order No. 1 dated 04/12/2019 enclosed herewith for compliance).

Both the Complainant and Respondent are directed to appear for hearing on the date and time stated above.

Take a Note to the provision of Rule 36(2)(h) reproduce herein "if any person fails, neglects or refuses to appear, or present himself as required before the Authority, the Authority shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so."

Enclosure : As stated above.


**Secretary,
Housing Industry Regulatory Authority
West Bengal**

No.1158(2)-HIRA/1C-155/2019

Dated: 17/12/2019

Copy forwarded for information with the direction to appear for hearing as stated above to :

1. **Respondent: Realtech Nirman Pvt. Ltd., T68, Teghoria Main Road, Near Loknath Mandir, Kolkata -700157**
2. **Complainant: Vaisakhi Banerjee, H/O Mr. Karma C. Bhutia Samdong House, Samdong House, Enchey Compound, Tibet Road, Gangtok, Sikkim 737101.**


**Secretary,
Housing Industry Regulatory Authority
West Bengal**

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000174 of 2019

Vaisakhi Banerjee.....Complainant

AND

.....Respondent

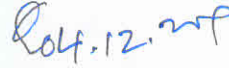
Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 04-12-2019 Dictated & corrected by me 	<p>Mr. Polash Banerjee, husband of the Complainant and co-sharer of the property is present, filing hazira.</p> <p>Heard the Complainant and examined the documents filed with the complaint petition and documentary evidence filed at the time of hearing.</p> <p>This is the case of the Complainant that a sale agreement was signed between the Complainant and the Respondent on 18/12/2017 for purchase of the flat no. B-1, 4th floor of the project GHAROA , Phase -II at Rajarhat measuring 502 sq ft covered area on payment of Rs.19,32,700/- excluding GST agreed to be paid in instalments linked to progress of the construction as described at clause 8.3 on page 7 of the sale agreement. It is noted from clause 9.5 of the sale agreement that the completion of construction shall be completed within 30 months from 01/11/2017 with extended period of six months at the option of developer; that means the possession is agreed to be made within November, 2020 as per the sale agreement.</p> <p>Complainant paid Rs.25,000/- vide receipt no.GH-II, 22 dated 05/09/2017, Rs.1,00,000/- vide receipt no.GH-II, 27 dated 15/12/2017, Rs.2,00,000/- vide receipt no.GH-II, 28 dated 18/12/2017 and Rs.2,00,000/- vide receipt no.GH-II, 29 dated 18/12/2017 to the Respondent Company Realtech Nirman Private Limited, duly acknowledged by the Company and on letter head.</p> <p>The Complainant claimed that there has been no progress of commencement of the project and there is no response from the Respondent Company about the physical progress of the project. The Complainant communicated to the Respondent Company by email, a copy of which is part of the complaint petition, communicating for cancellation and the refund the entire amount after adjusting admissible deduction as per agreement for sale. There has been no response to such email communication</p>	dispatched on 23.12.19

and hence the complaint petition.

Let a notice be issued to the Respondent Company to file written response on affidavit within two weeks from date of communication of this order. Meanwhile, nothing prevents the Respondent Company to consider the request made by the Complainant for cancellation of agreement and refund admissible amount.

Fix this matter for further hearing and orders on 10/01/2020.

Dictated
& corrected
by me



(ONKAR SINGH MEENA)

Designated Authority,
Housing Industry Regulatory Authority,
West Bengal.