

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

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**NOTICE**

Order no. 1 dated 12/12/19 in Complaint No. **COM-000170** dated **23/10/2019** to the WB Housing Industry Regulation Authority. WB HIRA Authority will take up the complaint for hearing on **16/01/20 at 1.30 pm** at the Office of the WB Housing Industry Regulatory Authority, Calcutta Greens Commercial Complex (1<sup>st</sup> 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 12/12/19 enclosed for compliance).

Respondent is hereby directed to submit written response on the complaint and relief prayed for by the Complainant within one week of receipt of this Notice by e-mail or speed post.

Both the Complainant and the Respondent are 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. 1223(2)-HIRA/1C-151/2019**

**Dated 24/12/2019**

Copy forwarded for information and taking necessary action.

1. **Respondent: M/s Shiv Mahima Developers Private Limited, 15B Armenian Street, Kolkata – 700007.**
2. **Complainant : Manoj Kumar Chandgothia, 21/H Gora Chand Road, Pansheel - 15,P.O. - Park Circus, P.S.- Beniapukur, Kolkata 700014**

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

**ORDER SHEET**


**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000170 of 2019**

**Manoj Kumar Chandgothia.....Complainant**

**AND**

**M/s Shiv Mahima Developers Pvt. Ltd.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 12-12-2019          Dictated & corrected by me  	<p>Complainant No 000166, 000167, 000168, and 000170 are taken together as the cause of action and the Respondent Company is common in all the complaint petitions and the Complainants are all members of a joint family.</p> <p>Complainants are present, filing hazira.</p> <p>Heard the Complainants in detail. Written submissions along with supporting documents filed by the Complainant in each case are taken on record. This is the case of the Complainants that they have executed an agreement for sale with the Respondent Company on 25/01/2017 for the purchase of flat in the project of the Respondent Company named "Elysium" located at Municipal Premises no.25, Dr.Ambedkar Sarani, P.S- Tapsia, Kolkata for purchasing of four number of flats one by each Complainant as detailed in the Schedule of the Agreement on payment of consideration amount as stated in the agreement. This is claimed by the Complainants that each one of them has paid 80 percent of consideration amount as per payment schedule agreed in the agreement but the possession of the flats has not yet been concluded. It is also claimed by the Complainant, at the time of hearing, that the project is still at the construction stage and therefore, there are reasons to believe that the Respondent Company has</p>	<p>dispatched on 30.12.19</p>

breached the obligations of the agreement regarding delivery of possession within March, 2018 as assured.

After examining the documents and hearing the Complainants in each case, prima facie, there are grounds to proceed further under rule 36(2) of WBHIRA Rules, 2018 and accordingly, issue notices to the Respondent Company with the direction to submit written response on affidavit to the complaint petitions within two weeks from date of communication of this order, serving copy to the Complainants..

Let this matter be heard for further orders on 16/01/2020.

To 16/01/2020 for further hearing and orders.

Dictated  
& corrected  
by me



  
(ONKAR SINGH MEENA)

Designated Authority,  
Housing Industry Regulatory Authority,  
West Bengal.