

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000251

Aditi Bhattacharjee.....Complainant

AND

Rudradeb Ghosh alias Pintu Ghosh.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 ----- 12-03-2020 Dictated & corrected by me	<p>Complainant is present filing hazira.</p> <p>The Respondent is not present despite due service of notice as per postal slips. Let the service return be kept on record.</p> <p>This Authority noted from the facts of the case that Respondent Company did not participate in the hearing on the earlier date also, that is on 10.02.2020 despite proper service of the notice and accordingly this Authority is satisfied to proceed ex parte in terms of Rule 36(2) of WBHIRA Rules, 2018.</p> <p>The Complainant filed documentary evidences before this Authority which have been already taken on record and duly stated in the Order of this Authority dated 10.02.2020.</p> <p>The evidence produced by the complainant has been examined. This is evident that the Complainant booked a flat having a super built up area of 520 sq ft approximately on the first floor of the project of the Respondent namely 'Bimal Basanta Apartment' situated at P.O and P.S- Naihati, Dist-North 24 Paraganas by paying the total consideration money of Rs.7,00,000/- which has been duly accepted and acknowledged by Respondent Company</p>	

Dictated
& corrected
by me

and a Deed of Conveyance was executed between the parties in this regard on 16.08.2018.

The Complainant paid total Rs.7,00,000/- in this regard to the Respondent. The details of the payments are as follows:-

Complainant paid Rs.1,00,000/- vide receipt number-184 dated 25.03.2012, Rs.1,00,000/- vide receipt number 78 dated 29.06.2014, Rs.50,000/- vide receipt number- 313 dated 16.01,2015, Rs.1,00,000/- vide receipt number-335 dated 24.06.2015, Rs. 2,50,000/- vide receipt number- 142 dated 04.03.2016 and Rs. 1,00,000/- vide receipt number- 365 dated 18.02.2016.

After examining the brochure of the project of the Respondent Company and verifying the money receipts, confirmatory letter of allotment duly issued by the Respondent Company and the Deed of Conveyance executed on 16.08.2018, this is proved beyond any level of doubt that Respondent Company could not fulfil their obligations made in the allotment letter as stated in detail in this Authority's order dated 10.02.2020 and failed to give delivery of possession of the said flat to the Complainant within the year ,2018 as agreed between the parties. The Authority is satisfied to the effect that the Complainant booked the flat in their project and the Respondent Company could not fulfil their obligations to complete the project and offer possession to the Complainant within the time as agreed between the parties for the reasons best known to the Respondent Company.

Accordingly, after careful examination of the facts of the case and documentary evidence produced by the Complainant, this Authority is satisfied that there are serious breaches on the part of the Respondent regarding delivery of possession to the Complainant within the time as agreed between the parties and therefore it is hereby

Ordered,

that the Respondent Company shall refund entire amount of Rs.7,00,000/- paid by the Complainant , alongwith interest at the rate as per the Agreement

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by me

executed between the parties on 16.08.2018, from the date of payment to 31.05.2018 and at the rate of SBI Prime lending interest rate plus 2% from 01.06.2018 till the date of final payment of refund. Respondent Company shall refund the amount in the bank account of the Complainant by bank transfer within 45 days from the date of communication of this order.

It is to be noted that failure to comply orders of this Authority shall attract the penal provisions of WBHIRA Act, 2017 in terms of section 63 of the Act.

The Complainant is allowed to serve the copy of final order along with the order dated 10/02/2020 and seek refund of the amount from the Respondent as per this order.

Complainant is at liberty to take steps to approach the appropriate Authority for execution of this order if not complied by the Respondent Company.

Let a copy of this order be served to both the parties.

This Complainant petition is thus disposed off.

Sd/-

(ONKAR SINGH MEENA)
Designated Authority,
Housing Industry Regulatory Authority,
West Bengal.

Certified to be true copy.



Secretary
Housing Industry Regulatory Authority,
West Bengal.

Secretary
Housing Industry Regulatory Authority
West Bengal