

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000252

Snehangsu Kumar Nag.....Complainant

AND

Soumita Construction Pvt. Ltd.....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 and files hazira.</p> <p>The Authorised Representative of the Respondent is also present filing hazira.</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 Respondent Company invited applications from the prospective home buyers for the project namely 'The County' and the Complainant booked a flat measuring 725 sq ft approximately by paying the requisite booking money which has been duly accepted and acknowledged by Respondent Company and an Agreement for Sale was executed between the parties in this regard .</p> <p>The Complainant paid total Rs.16,91,389/- in this regard to the Respondent. The details of the payments are as follows:-</p> <p>Complainant paid Rs.50,000/- vide Receipt No. SCPL/TC/08/4/6H/14-15</p>	

dated 09.07.2014, Rs. 1545/- vide Receipt No. SCPL/TC/08/4/6H/a/14-15  
dated 09.07.2014, Rs. 3,45,393/- vide Receipt No. SCPL/TC/08/4/6H/b/14-15  
dated 13.08.2014, Rs. 8164/- vide Receipt No. SCPL/TC/08/4/6H/c/14-15 dated  
09.08.2014 and Rs. 1,92,109/- vide Receipt No. SCPL/TC/08/4/6H/d/15-16  
dated 07.10.2015, Rs. 3,46,081/- vide Receipt No. SCPL/TC/04/01/7D/e/17-18  
dated 27.10.2017, Rs. 3,23,097 vide Receipt No. SCPL/TC/04/01/7D/f/18-19  
dated 10.04.2018, Rs. 3,25,000/- vide Receipt No. SCPL/TC/04/01/7D/g/18-  
19 dated 05.06.2018, Rs. 1,00,000/- vide Receipt No.  
SCPL/TC/04/01/7D/h/18-19 dated 31.07.2018.

Dictated  
& corrected  
by me

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 Agreement for Sale executed on 27.10.2017, this is proved beyond any level of doubt that Respondent Company could not fulfil their obligations made in the allotment letter and failed to give delivery of possession of the said flat to the Complainant within the time as agreed between them. 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. 16,91,389/- paid by the Complainant along with interest, at the rate as agreed upon between the parties in the 'Agreement for Sale' executed between the parties on 27.10.2017, from the date of payment by Complainant 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 copy of this order be served to both the parties.

This Complainant petition is thus disposed off.

Dictated  
& corrected  
by me

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**