

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000315**

**Ketan Shantilal Madia .....Complainant**

**AND**

**Tirushivam Realty Pvt. Ltd.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 13.01.2021	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent despite due service of notice. Let the service return be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>Complainant submitted that no written response has been obtained by him and no communication has been made by the Respondent in this matter after the last date of hearing.</p> <p>In the last order of this Authority , last chance was given to the Respondent to submit the written response on notarized affidavit and in the said order it has also been stated that if the Respondent fails to appear on the next date of hearing and fails to submit his written response within the stipulated time then the matter is liable to be heard ex-parte on the next date of hearing. Despite given this last chance, the Respondent has neglected this Authority order and did not appear for hearing and he was also not present in the last two hearings of this Authority dated 14/08/2020 and 23/09/2020. The Respondent also violated this Authority's order dated 14/08/2020 and 23/09/2020 and failed to submit written response within the stipulated time period. The Respondent has made default in the matter of delivery of possession of the flat to the Complainant within the time period as agreed between the parties as he was supposed to deliver the possession of the flat</p>	

within February, 2018. Till date he has not delivered the possession of the flat so there is a clear default on the part of the Respondent. Taking into consideration of this defaults and negligence of the Respondent and as per the submission of the Complainant, this Authority is of the view that ex-parte order is required to be passed in this matter as reasonable opportunity has been given to the Respondent to appear and present his case before this Authority.

Therefore, it is,

Ordered

that the Respondent shall make refund of the total amount of Rs.3363951/- paid by the Complainant along with interest as per the clause 10.3 of the agreement for sale executed between the parties and refund shall be made by bank transfer to the bank account of the Complainant within 45 days from the date of receipt of this order by email and sent the compliance report to this Authority within one week thereafter.

Complainant is directed to send his bank account details along with IFSC code to the Respondent immediately by speed post and by email in which account he wants to get the refund from the Respondent.

With the above direction the matter is thus disposed of.

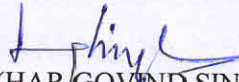
Copy of this order shall be sent to both the parties by speed post or also by email to all their addresses.



(SANDIPAN MUKHERJEE)

Chairperson

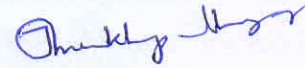
West Bengal Housing Industry Regulatory Authority



(HAR GOVIND SINGH)

Member

West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority