

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000150 of 2019

Brototi Banerjee.....Complainant

AND

Dharitri Infraventure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 <del>21-11-2019</del>	<p>Complainant is represented by Sukanta Prosad, Co-Complainant husband of Smt Brototi Banerjee.</p> <p>Respondent is not present though notice has been duly delivered as per the postal slips. Let the service of the notice be kept on record.</p> <p>Heard Mr. Sukanta Prosad authorised representative of Complainant in details.</p> <p>The case of the Complainant is that the memorandum of understanding was signed on 03/06/2017 between the Respondent company represented by Director, Sri Suman Jana and Smt. Dipanwita Samanta and Complainant where flat of 3 BHK measuring 900 sq ft. on 8<sup>th</sup> floor in block no.18 Pent house in the project Dharitri Universia was agreed to be purchased on payment of consideration amount of Rs.41,00,000/- (Rupees Forty one lakhs only). As per the agreement the Complainant paid Rs.6,00,000/- (Rupees six lakhs only) at the time of execution of MOU vide booking receipt serial no.1213 dated 22/04/2017, duly acknowledge by authorised signatory of Respondent Company. The payment was made by cheque no.002829 drawn on Axis Bank on 17/03/2017. A copy of receipt filed by the Complainant is taken on record at the time of hearing along with a copy of cheque. The</p>	

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Respondent company agreed to deliver possession of the schedule property as per the agreement within 42 months from the date of signing MOU upon payment of full and final consideration money as per payment schedule agreed therein.

The Complainant claimed that there has been no progress of the construction of the project as per agreement and therefore, they approached the Company to refund their booking money by filing an application on 04/03/2019 which was duly received by the Respondent Company and it was assured that the amount will be refunded without any deductions as the Company claimed to have admitted default on their part for the delay of the project. However, no such refund has been made till date.

The Complainant made oral submissions today during hearing that the Respondent Company offered to refund instalments within six months of such application filed to the Company but no amount has been refunded till date.

This Authority after examining the documentary evidence filed by the Complainant is prima facie satisfied that there are grounds to proceed further in terms of Rule 36(2) of WBHRA Rules, 2018.

Accordingly, this is hereby

Ordered,

that Respondent Company shall submit written response specifying the refund payment schedule on affidavit within two weeks from the receipt of this order. In the event of Respondent objecting to the facts stated by the Complainant the same has to be replied on affidavit in the form of written response to the complaint petition.

Let this matter be fixed for further hearing on 20/12/2019.

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

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