

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**  
Calcutta Greens Commercial Complex (1<sup>st</sup> Floor)  
1050/2, Survey Park, Kolkata – 700 075

**CIRCULAR**

No. 808-HIRA/L-5/2020

Dated, Kolkata, 6th August, 2020

**Standard Operating Procedure (SOP) for Online Hearing of Complaint Cases  
before the West Bengal Housing Industry Regulatory Authority**

Whereas the West Bengal Housing Industry Regulatory Authority (hereafter referred to as the Authority) is mandated to resolve cases of dispute between the promoter, real estate agent and the purchaser of the flat or unit or building etc, as the case may be, and is also required to issue such direction from time to time to the promoters or allottees or real estate agents, as the case may be, as it may be considered necessary and such direction shall be binding on all the parties concerned. The Authority has powers to impose penalty or interest, in regard to any contravention of obligations cast upon the promoters, the allottees and the real estate Agents, under the West Bengal Housing Industry Regulation Act, 2017 (hereinafter referred to as the Act) and the rules and the regulations made thereunder. The Authority shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the Rules and Regulations made thereunder, the Authority shall have the powers to regulate its own procedure;

And whereas due to the onset of Covid 19 pandemic and the consequent lockdown and the implementation of social distancing norms, it has become very difficult to hold hearings of Complaint cases before the Authority in physical presence of the parties concerned;

And whereas such situation has resulted in inordinate delays in redressal of public grievances with resultant accumulation of a large number of Complaint cases which needs immediate action on part of the Authority;

And Whereas the Authority has a well-established IT system for registration of Promoters and Real Estate Agents as well as receiving public complaints and uploading of supporting documents related thereto online;



Now therefore , in order to expedite adjudication of all complaint cases, without compromising with the requirement of social distancing norms, it is decided that henceforth, the Authority will hold online hearing , the procedure for which is prescribed below:-

1. Any aggrieved person shall file the complaint online to the Authority, through its website at the specific space provided for the purpose. Complaint will be filed at the 'Online Registration' heading at the home page of the Website of the Authority under the sub-heading 'Complaint' after creation of Login ID and Password by the Complainant in the website of the Authority and Complainant shall submit and upload necessary supporting documents therein;
2. All documents uploaded must be signed by the complainant, scanned and only the signed scanned copy shall be uploaded;
3. Procedure for filing complaints may be seen in the User manual section of the Website of the Authority;
4. Authenticated and signed scanned copy of any document is to be uploaded, failing which the document is liable to be considered as an invalid document;
5. Online hearing of the Complaint cases shall be conducted and all the parties shall be informed about the date and time of hearing as well as the Software App through which the online hearing will be done, shall be specified by sending a notice to all the parties through email ;
6. The Complainant and the Respondent need to have the App as specified in the notice downloaded and installed on the cell phone or laptop or desktop as the case may be for attending the online hearing;
7. All parties concerned needs to ensure availability of a good quality internet network from any service provider and laptop or desktop with camera working in windows or suitable smart phone, and good quality wired headphone /earphone;



8. The Authorized officer of the Authority will schedule the hearing and communicate the same to the Complainant and Respondent and will generate meeting notice indicating the date, time and complaint number and specify the software application (App) to the Complainant as well as the Respondent for online hearing and forward the same to all parties concerned for enabling them to attend the meeting. Meeting link with Login ID and password shall be provided to the concerned parties through which they are to enter and attend the online hearing;
9. After the first date of hearing ,if the case is admitted by this Authority ,in that case the Complainant shall forward a copy of the complaint petition along with all enclosures/annexures, both in hard and soft copies to the Respondent. The complainant will also upload proof of service of the same to the Respondent;
10. The Respondent shall, within the period as directed by the Authority on the date of first hearing submit '**Written Response to the Complaint petition on Affidavit**' to the Authority through the official e-mail of the Authority which is,- [secy.hira-wb@gov.in](mailto:secy.hira-wb@gov.in) and submit hardcopy of the same ton the Authority by speed post or by hand delivery. The Respondent shall forward a copy of the same along with all enclosures/annexures, both in hard and soft copies to the Complainant. The Respondent will also upload proof of service of the same to the Complainant;
- 11.The e-mail is to be submitted by the Complainant/Respondent in the format prescribed herein as **Annexure-I**, listing the documents being sent through the attachments;
- 12.Time slot for the online hearing shall be mentioned in the notice. Both parties are advised to present their submissions in short and in concise way;
- 13.All the parties concerned shall file affidavits and other documents as per order of the Authority during the course of hearing through e-mails. Signed and scanned copies of such documents are to be submitted

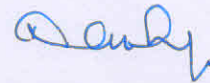


online, and also the hard copy to the address of the Authority, mentioning the Complaint Number, name of Complainant and Respondent, and the order date and a list of the documents being submitted, through official e-mail, of the Authority;

14. All parties concerned shall be punctual for joining the hearing and shall co-operate with the Authority and must restrict the time for presenting their submissions and arguments within the overall time allotted to the hearing. The Authority reserves the right to adjourn the hearing or defer the same to some other date;
15. Concerned parties should preferably be ready for the online hearing at least 15 minutes prior to the commencement of the same;
16. **Hazira shall be sent to the official e-mail of the Authority by the respective parties immediately before commencement of the hearing in the Format as prescribed in Annexure-II.** Hearing will not be started without submission of the hazira or shall be done ex-parte in case any party failing to submit the hazira document.
17. Parties shall be informed that if they fail to attend the hearing as scheduled, the Authority may decide the case ex-parte and issue orders as per law. They shall be precluded from making any grievance of it. However, they may complain about the quality or audibility of the feed, on the help line number of the Authority which is **033-24160606**, or through official e mail of the Authority, only during the proceedings or immediately after the proceeding, failing which no grievance in this regard shall be entertained.
18. All the parties to the hearing must comply with all the rules of hearing as provided in the Act and the Rules and Regulations made thereunder ;
19. The representatives shall maintain discipline at the hearing by speaking one at a time, and keep microphones on mute mode and shall unmute only to speak when directed;
20. No recording of the hearing proceedings is allowed;

21. After due consideration of the submissions, arguments and material documents submitted by both the parties, the Authority will pass its order within a reasonable time;
22. The order passed by the Authority in respect of such cases shall be communicated to the parties concerned electronically and in hard copy through Speed post.
23. Such orders shall also be put up on the website of the Authority under the 'Authority Order' section.

This **Standard Operating Procedure (SOP)** for online hearing will come into force with immediate effect and shall remain in force until further orders.



**Chairman**  
**West Bengal Housing Industry Regulatory Authority**



**ANNEXURE-I**

From : Name and Address

Cell Phone No. & e-mail address :

To,

the Chairman,

West Bengal Housing Industry Regulatory Authority,

Kolkata.

**Subject** : Communication in connection with Complain case  
No..... Against \_\_\_\_\_,  
filed by \_\_\_\_\_, before the West  
Bengal Housing Industry Regulatory Authority.

Reference : Complaint case No: .....

Name of Complainant: .....

Name of Respondent: .....

Hearing date: .....

Sir/ Madam,

With reference to the above, I solemnly state that I am the  
..... of the Complaint Case No. ....and I have attended  
the hearing on..... (date) at.....(time) and I am submitting the  
following documents in support of my Complaint matter before the  
Authority by mail on.....and also the hard copy is sent by me via  
speed post/by person at the office of the WBHIRA Authority as listed  
below:

1.

2.

3.

.

.

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Copy of this is also endorsed to the  
.....(Complainant/Respondent as the case may  
be)..

Thanking You,  
Name

## ANNEXURE II

### HAZIRA

Complaint No. ....

\_\_\_\_\_ Complainant/s  
Vs  
\_\_\_\_\_ Respondent/s

I am participating in the hearing of the complaint No.....on  
.....at .....

**( In case where Complainant himself is attending the online hearing)**

**OR**

I \_\_\_\_\_ am authorized vide  
\_\_\_\_\_ to represent \_\_\_\_\_  
in the hearing in the complaint matter noted above, and accordingly I am  
participating in the online hearing of the complaint on .....at  
.....

.....

Name, Signature and Seal of the complainant/Respondent

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