

Office of the Housing Industry Regulatory Authority, West Bengal  
Calcutta Greens Commercial Complex(1<sup>st</sup> Floor),  
1050/2, Survey Park, Kolkata-700 075.

Email-secy.hira-wb@gov.in

Office Phone No.033-24160606

Date : 11/12/2019

No.1120-HIRA/2A-07/2018

### PUBLIC NOTICE

The West Bengal Housing Industry Regulatory Authority, notified under section 20 (1) of the West Bengal Housing Industry Regulatory Act 2017, take up the complaints filed under Section 31 of the Act for adjudication in terms of procedure prescribed under Rule 36 (2) of the WBHIRA Rules 2018, following summary proceedings under Civil Procedure Code 1908 exercising powers of Civil Court.

A large number of complaint cases filed by home buyers, some of the cases by sellers (Promoters) have been concluded successfully, extending relief to complainant. WBHIRA Authority hears cases on regular basis between 11 am to 2.30 pm on working days in open court in Authority office and all the proceedings of the cases are available on website at <https://hira.wb.gov.in>.

On assessment of feedback and response of parties following information is reiterated for guidance of the parties to the complaints:-

- L. Complaint can be filed by any aggrieved person in terms of provisions under Section 31 of the Act, whether buyer(s) of the property or the promoter. Such complaint has to be filed online filling up requisite fields and paying fee of Rs 1000/- by net banking or debit card in terms of Rule 36 (1) of WBHIRA Rules 2018. Let it be clarified that no complaint is accepted on email or by post. Further, any complaint filed online without payment of Rs 1000/- fee or written complaint forwarded by any authority to WBHIRA email/ Office or consumer portal etc without proper complaint filed on [hira.wb.gov.in](https://hira.wb.gov.in) online are not

accepted as valid complaint by WBHIRA Authority. A valid complaint with auto generated complaint Case number COM-000111 is taken up for hearing and orders by WBHIRA.

2. User manual can be downloaded from [hira.wb.gov.in](http://hira.wb.gov.in) website that explains step by step procedure for creating user log in for first time users and procedure about how to file complaint uploading supporting documents and payment of fee. For any assistance, WBHIRA Authority Office may be contacted at landline number **033-24160606** or email [secy.hira-wb@gov.in](mailto:secy.hira-wb@gov.in) available on website.
3. Complainant has to take care that complaint petition once completed is required to be signed on last page of format as downloaded from portal and signed copy is required to be uploaded on portal. Alternatively, hard copies duly signed by complainant has to be filed in office of WBHIRA Authority by post enclosing supporting documents. Additional documents like voluminous agreement copies, brochure etc can be attached to original petition at the time of first day of hearing before WBHIRA Authority. Unsigned complaint or complaint not supported by necessary supporting documents to prove allegations like sale agreement copies, money receipt or any other document that can prove contraventions of any section of WBHIRA Act 2017 alleged in complaint makes this liable to be challenged by respondent party and hence rejection.
4. Once complete complaint petition is filed, next important point is correct address of the respondent and service of complaint petition with postal receipt. WBHIRA Authority office serves notice with complaint petition as per address given by complainant. Mention all available contact addresses of complainant as claimed on brochure, company address and office of respondent. Complaint cases are being decided in maximum three dates of hearing when service of complete complaint petition is done on before first date of hearing and both parties attends on fixed day of hearing. Generally, it takes 45 to 60 days in final disposal in such cases.

5. Submission of copy of sale agreement or Allotment letter with GTC, date wise payment receipts and communications made with respondent company expedite the case. In case of prayer for refund or penalty for delay in possession, provisions of sale agreement between the parties is the foundation of adjudication save and except provisions of Section 18 of the WBHRA Act 2017 read with Rule 18 of WBHRA Rules 2018 or specific provisions of Section 12 (5) related to cancellation of sale agreement, Section 14 to 16 of the Act. Complainant has to specify the section of the Act which is alleged to have contravened.
6. Complaint is required to attend hearing personally or may authorise any family member. Ld Advocate or pleader engaged by accepting Vakalatnama is also allowed to represent complainant. In case of companies, Director of the company or authorised signatory of company or officer working for company duly authorised by the company can represent before WBHRA Authority. Appearance of any other person is generally not permissible.
7. All documents, submissions and affidavits in a complaint case should be filed before Authority, serving copy to other party. Communications on email are generally not allowed to be considered to decide cases except hard copies of emails as evidence filed at the time of hearing.
8. Final orders of the WBHRA Authority, if not complied within prescribed time, can be executed by WBHRA Authority on filing of execution prayer. No fee is charged on such prayers, to be filed on writing in WBHRA Office or submitting the same by post with copy served to respondent.
9. List of cases to be heard are posted on website under NOTICE section, in addition to notice by post and email.
10. Finally, WBHRA Act 2017 came into effect from 1st June 2018 and therefore provisions of the Act are applicable to cause of action arising thereafter. Complaint under Section 18 of the Act related to non delivery of possession or no refund for discontinued project are

admissible if contraventions persists at the time of commencement of this Act or thereafter. Maintainability of complaint may be examined and satisfied before filing case.

For any further clarification/ assistance feel free send your query by email at [secy.hira-wb@gov.in](mailto:secy.hira-wb@gov.in) or visit WBHIRA Authority Office during working hours.

Date :11/12/2019

West Bengal Housing Industry Regulatory Authority