

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000096 of 2019

Arpana Dutt.....Complainant

AND

Amitava Samanta.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
<p style="text-align: center;">1 ----- 17-10-2019</p> <p>Dictated & corrected by me</p> 	<p>Complainant is present.</p> <p>Respondent is not present. As per the service return by postal authorities the notice is delivered to the Respondent on 16/10/2019.</p> <p>Service return be kept on the record.</p> <p>Heard the Complainant.</p> <p>It is submitted that Respondent Mr. Amitava Samanta representing M/s India Green Pvt. Ltd entered into sale agreement on 21/05/2012 where it was agreed in clause 11 that the Respondent shall deliver the possession of one bungalow type two storied building having constructing area of 1699 square ft within 36 months. Complainant has paid entire amount of consideration money as per sale agreement except the last instalment required to be paid after possession. There is no default or breach of sale agreement on the part of the Complainant. The Respondent failed to deliver the possession of schedule property even today and therefore, the prayer of Complainant to seek refund of full amount along with admissible compensation and rate of interest seems to be justified.</p> <p>The Complainant filed a copy of email communication from Respondent where an offer to refund value of property amounting to Rs.40 lakhs was made to the Complainant. Despite such an offer being made and accepted by the Complainant, there has been no step taken by Respondent to refund the amount till date.</p>	<p>u</p>

The Complainant has also filed a photograph showing work in progress of project "Greenland the Eco village" by Respondent Company and therefore, it is clear that this is an on going project coming within purview of provisions of WBHIRA Act, 2017. Let this evidence be taken on record.

Dictated
& corrected
by me



After examining the documents and material on record this Authority hereby directs the Respondent to refund the entire amount to the Complainant within 30 days from the date of communication of this order along with admissible rate of interest as per sale agreement.

This is an interim order.

Let Respondent appear before this Authority personally on next date of hearing for further hearing taking evidence and final orders to determine compensation claims and show cause as to why this order be not made absolute.

To 26/11/2019 for further hearing and final orders.


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