

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000099 of 2019

Prakash Ghosh.....Complainant

AND

FTC Concrete Pvt Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
<p style="text-align: center;">3 ----- 10-01-2020</p> <p>Dictated & corrected by me </p>	<p>Complainant is present filing hazira.</p> <p>Ld. Advocate Ashok Bhattacharjya representing the Respondent is also present filing hazira.</p> <p>It is submitted that Complainant has been given occupancy of the flat on 01/12/2019 in compliance to this Authority order dated 24/09/2019. However, installation and functioning of the lift and other amenities as per conveyance of the deed are not yet completed.</p> <p>Heard both the parties.</p> <p>Respondent expressed certain difficulties in completion of supply and installation of lift due to financial problems of the Respondent and power connection required for installation of the lift. However, Respondent could not explain actual status of timeline of installation of the lift and power connection but merely assured verbally that all the works including common area amenities and lift will be ready in next three months. However, the Respondent could not make any assurance with full confidence and sense of responsibility rather he stated that timeline is subject to receiving quotation from power utility agency and obtaining power connection.</p> <p>This Authority on the assurance of Respondent during previous day of hearing, allowed time till January, 2020 with expectation on assurance that installation of lift and completion of other common area amenities shall be</p>	

completed within 1st week of January, 2020.

The Complainant submitted that he has occupied the flat but without facility of lift and common area amenities in terms of deed of conveyance and thereby deficiencies of services are depriving him of enjoying possession of the property as occupied.

After hearing both the parties and examining the facts of the case, this Authority is compelled to issue following orders :-

Ordered,

that Respondent shall complete all the unfinished works in common area amenities and provide facility of lift after proper installation and functional within four months from today and report compliance with a copy served to the Complainant.

Further Respondent shall pay interest at the rate of 6% per annum for the delay period of possession and which shall be counted from 1st September, 2018 till the date of occupancy of the flat by the Complainant. This interest shall be calculated on the total consideration amount paid by the Complainant to the Respondent.

Respondent shall pay this interest for the period from September, 2018 till December, 2019 within two weeks from the date of receipt of this order. In the event of non compliance of this order the Complainant is at liberty to file prayer u/s 63 of WBHIRA Act, 2017 for penalty.

It is needless to mention that the date of functioning of the lift after installation and completion of any unfinished works in common area amenities shall be treated as date of actual possession of the flat in terms of obligations of sale agreement and Complainant is entitled to get further interest on delay in possession till the completion of works at the rate to be determined during next date of hearing after getting the compliance of order as regards payment of compensation as ordered.

This is pointed out by the Respondent that an amount of Rs.75/- per sq ft for electric service connection as per clause 8.4.1 of the sale agreement is required to be paid by the Complainant which is not yet complied. Let Respondent place the demand for such dues or any other dues as may be payable by the Complainant within one week from receipt of this order and

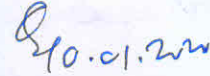
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by me



the Complainant shall make the payment of due amount within one month from today.

To 08/04/2020 for further hearing and orders.

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& corrected
by me



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