

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000065

Vinahast Property Pvt. Ltd.....Complainant

AND

Bengal Unitech Universal Infrastructure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
6 ----- 10-01-2020 Dictated & corrected by me Q	<p>Complainant is present filing hazira.</p> <p>Respondent is absent though notice has been duly delivered along with complaint petition at the address provided by the Complainant and service return has been confirmed by postal slips.</p> <p>The Respondent Company did not participate in the hearing despite repeated opportunity to the Respondent and therefore, this Authority having satisfied decided to proceed ex parte.</p> <p>No inspection of the property was done as per the order dated 04/12/2019 of this Authority, even after prior intimation given by the Complainant to the Respondent, the Respondent did not facilitate the inspection of the property.</p> <p>Heard the Complainant and recorded evidence.</p> <p>The case of the Complainant is that as per agreement for sale dated 28/11/2012, the Respondent agreed to sale the Complainant an apartment bearing no.1103 on 11th floor in tower 1 having super built up area of approximately 3348 sq ft in the project named "AIR" of the Respondent in Uniworld city at Rajarhat and the date for delivery of possession of the apartment as per the agreement was 30/09/2016. The Complainant paid total Rs.19357279/- as part of the total consideration price of Rs.20644025/- for purchase of the said flat. The Respondent duly acknowledged the payments</p>	

Dictated
& corrected
by me



made by Complainant by issuing money receipts.

The Complainant paid Rs.2500000/- vide money receipts no.000615 dated 24/09/2012, Rs.500000 vide money receipts no.000616 dated 24/09/2012, Rs.987878 vide money receipt no.000666 dated 08/12/2012, Rs.1993939 vide money receipt no.000753 dated 30/03/2013, Rs.2017845 vide money receipt no.000841 dated 12/07/2013, Rs.999527/- vide money receipt no.000912 dated 23/10/2013, Rs.1062439/- vide money receipt no.000937 dated 16/12/2013, Rs.1321390 vide money receipt no.001016 dated 07/03/2014, Rs.1899159/- vide money receipt no.001063 dated 08/08/2014, Rs.993275/- vide money receipt no.001073 dated 14/10/2014, Rs.993275 vide money receipt no.001100 dated 02/01/2015, Rs.993275 vide money receipt no.001128 dated 03/02/2015, Rs.993275 vide money receipt no.001167 dated 18/04/2015, Rs.993275 vide money receipt no.001179 dated 11/06/2015 and Rs.998033 vide money receipt no.001218 dated 14/12/2015. The Complainant submitted the copy of the money receipts and other supporting documents to prove his case at the time of hearing.

Let the copy of the money receipts and other supporting documents be taken on record.

The Complainant submitted that as per the agreement the possession of the flat was scheduled to be delivered on 30/09/2016 but the Respondent failed to deliver the possession of the flat as per the agreement for sale.

Complainant prayed for refund of the total money paid by him from the Respondent.

The evidence produced by the Complainant has been examined.

This is evident that Respondent Company invited applications from the prospective home buyers for the project "AIR" in the Uniworld City of the Respondent and the Complainant booked the flat by paying the requisite booking money against application dated 24/09/2012, which has been duly accepted and confirmed by Respondent Company. The Respondent Company could not fulfil their obligations to complete project and offer possession to the Complainant for the reasons best known to the Respondent Company.

After careful examination of evidence and facts of the case this is hereby,

Ordered,

that the Respondent shall refund the entire amount of Rs.19357279/- along with interest at the rate as per terms of the agreement signed between the parties on 28/11/2012, from the date of payment by the Complainant till the final refund by the Respondent, within 45 days from the date of receipt of this order, by bank transfer in the bank account of the Complainant. In the event of Respondent not complying this order within stipulated time period, complainant is at liberty to pray for execution of this order of the Authority.

Complaint petition is thus disposed off.

Communicate this copy of order to both the parties.

10.01.2024
(ONKAR SINGH MEENA)
Designated Authority,
Housing Industry Regulatory Authority
Govt. of West Bengal.