

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000064 of 2019

Rajesh Kumar Gupta.....Complainant

AND

M/s N.B Highrise Pvt. Ltd & Ors.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
<p style="text-align: center;">3 ----- 21-11-2019</p> <p>Dictated & corrected by me</p> <p style="text-align: center;"></p>	<p style="text-align: center;">Both the parties are present.</p> <p>This is informed that possession of flat has been delivered on 12/11/2019 in terms of this Authority order dated 19/09/2019 and both the parties confirmed during hearing that there are no further disputes as regards possession.</p> <p>Complainant brought to the notice of the Authority at the time of hearing that cheque of Rs.87,670/- dated 01/10/2019 issued in favour of Respondent company in compliance to the order of this Authority dated 19/12/2019 is returned. Respondent clarified that they have not refused to accept payment but advised the Complainant to make the payment in favour of the agency who executed the additional work on the direction of Respondents and accordingly the formal request was made to the Complainant to this effect.</p> <p>After hearing both the parties, it is mutually agreed between the parties that the Complainant will make the payment in favour of the agency as advised by Respondent within a week from today. Thereafter, the Respondent shall get the deed of conveyance executed within one month from today, supply required copies of sanction plan, completion certificate and other</p>	

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by me



documents as may be required for execution of deed of conveyance and also complete the formalities of bank loan as required by Bank for such sanction. All these activities has to be completed within 20/12/2019.

On the submissions of Respondent this Authority directs the Complainant to pay admissible additional charges of amenities as applicable and binding upon the Complainant as occupant for the common amenities and services for which the payment is not already included in the original consideration money or additional payment made for the additional work already.

This is further ordered that Respondent shall furnish information and receipt of GST amount realized from the Complainant for his record and for the purpose of seeking refund, in case there is any excess payment of GST due to revision of charges/rates of GST as per as applicability.

This Authority after examining the records, considering the evidence and submission made by both the parties dispose off this complaint petition with following orders

Ordered

that the deed of conveyance be executed within 20/12/2019 and documents as stated in this order be supplied for execution of deed of conveyance. Both the parties will comply order of this authority passed on 19/09/2019 in addition to orders made today and accordingly ad interim order dated 19/09/2019 is made absolute and final.

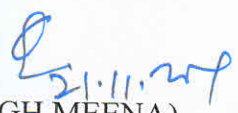
This Authority is not inclined to pass any orders for compensation for delay in possession for the reasons that the agreement between both the parties did not have any provisions for such compensation and further it is evident from the facts of the case that both the parties deviated from original agreement by entering into understanding for additional work beyond the schedule of the sale agreement, which might have attributed to such delay and delivery of possession, not for non fulfilment of original sale agreement.

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There is no supplementary agreement or document also produced by Complainant which can prove obligations of the Respondent to pay for delay in possession, not entirely attributed to the Respondent alone.

Complainant case is thus disposed off.


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