ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000165 of 2019

Rajib Keshri......Complainant

AND

Emami Infrastructure Limited.....Respondent

| Sl. Number | Order and signature of Officer | Note of |
|-------------------------|---|---------|
| and date of | | action |
| order | | Taken |
| | | on orde |
| 1 | | |
| 12-12-2019 | Complainant is present filing hazira. | |
| | Ld. Advocate Simran Sakunia appeared on behalf of the Respondent filing | |
| | vakalatnama. | |
| | Heard the both the parties in detail. | |
| | This is the case of the Complainant that an Agreement to Sub-Lease was | |
| | signed on 27/09/2014 between the Complainant and the Respondent for | |
| | purchase of apartment/flat no.404 on 4 th floor in tower A4 containing super | |
| | built up area of 1150 sq ft together with right to park in the basement on | |
| | payment of Rs.59,16,250/- as consideration money in the project namely | |
| | "Emami City" with possession to be delivered within December, 2017 | |
| | including grace period of delivery of possession and further extended grace | |
| | period of six months on payment of interest for delayed possession as per | |
| | binding clause 6.2 and 6.6.2 of the agreement to Sub-Lease. The | |
| Dictated & corrected | Complainant submitted that despite making due payments in terms of the | |
| by me | agreement possession of the delivery of the flat has not yet been concluded. | |
| 8 | Ld. Advocate of the Respondent sought time to file written response to | |

the complaint petition.

Heard the parties.

After going through the documents submitted by Complainant during hearing and the complaint petition, prima facie, there are grounds to proceed under Rule 36(2) of WBHIRA Rules, 2018 and accordingly let notice be issued to Respondent to file written response on affidavit within two weeks from date of communication of this order, serving copy to Complainant.

Dictated & corrected by me

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Meanwhile, the Respondent is advised to conclude the formalities of delivery of possession of the flat to the Complainant pending execution of the deed of conveyance and the issues relating to entitlement of both the parties as regards interest and compensation, if any, as well as payment of further dues shall be decided on next date of hearing after according opportunity of hearing to both the parties.

Fix 16/01/2020 for further hearing and orders.

(ONKAR SINGH MEENA)
Designated Authority,
Housing Industry Regulatory Authority,

West Bengal.