

**ORDER SHEET**


**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000168 of 2019**

**Kamal Kumar Chandgothia.....Complainant**

**AND**

**M/s Shiv Mahima Developers Pvt. Ltd.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 12-12-2019           Dictated & corrected by me 	<p>Complainant No 000166, 000167, 000168, and 000170 are taken together as the cause of action and the Respondent Company is common in all the complaint petitions and the Complainants are all members of a joint family.</p> <p>Complainants are present, filing hazira.</p> <p>Heard the Complainants in detail. Written submissions along with supporting documents filed by the Complainant in each case are taken on record. This is the case of the Complainants that they have executed an agreement for sale with the Respondent Company on 25/01/2017 for the purchase of flat in the project of the Respondent Company named "Elysium" located at Municipal Premises no.25, Dr.Ambedkar Sarani, P.S- Tapsia, Kolkata for purchasing of four number of flats one by each Complainant as detailed in the Schedule of the Agreement on payment of consideration amount as stated in the agreement. This is claimed by the Complainants that each one of them has paid 80 percent of consideration amount as per payment schedule agreed in the agreement but the possession of the flats has not yet been concluded. It is also claimed by the Complainant, at the time of hearing, that the project is still at the construction stage and therefore, there are reasons to believe that the Respondent Company has</p>	

breached the obligations of the agreement regarding delivery of possession within March, 2018 as assured.

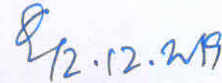
After examining the documents and hearing the Complainants in each case, prima facie, there are grounds to proceed further under rule 36(2) of WBHIRA Rules, 2018 and accordingly, issue notices to the Respondent Company with the direction to submit written response on affidavit to the complaint petitions within two weeks from date of communication of this order, serving copy to the Complainants..

Let this matter be heard for further orders on 16/01/2020.

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

Dictated  
& corrected  
by me



 12.12.2019

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