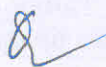


been delivered on 29/09/2016 and deed of sale executed on 16/08/2016 as recorded in the complaint petition and therefore, the provisions of section 19(10) of the WBHIRA Act, 2017 as argued by Ld. Advocate of the Complainant are not applicable in the instant case where physical possession of the apartment or property has already been delivered and deed of sale executed. Further, provisions of section 3 of WBHIRA Act, 2017 are also not applicable in the case where cause of actions are retrospective i.e, prior to 01/06/2018, the date from which the present Act has been commenced.

Dictated
& corrected
by me



Ld. Advocate representing the Complainant filed a supplementary affidavit on behalf of the Complainant which, inter alia claimed violations of provisions of the West Bengal Municipal Rules, 2007 by the Respondent promoter, particularly Rule 36 of the said Rules which prohibit to use of building without occupancy certificate. Such provisions of the Municipal laws are required to be enforced by concerned Municipal Authority and has no relevance in the instant case. For these reasons the claims in supplementary affidavit are not admissible under WBHIRA Act, 2017 to prove isolations of the Act.

The Complainant can avail the legal remedies available before the appropriate forum.

Considering the provisions of the law and in absence of any conclusive proof which can prove contraventions of any provisions of WBHIRA Act, 2017, the complaint petition is not maintainable and accordingly dismissed.

The complaint petition is thus disposed off.

Let this order be served to both the parties.


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