

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000548

Amalesh KumarComplainant

AND

**Hemont Kumar Sikaria, Anurag Gupta, Astha Khetan & Kamal
Chopra.....Respondent**

| Sl. Number and date of order | Order and signature of Officer | Note of action taken on order |
|------------------------------|---|-------------------------------|
| 2 ----- 10.12.2020 | <p>Complainant is present in the online hearing filing hazira through email.</p> <p>Ld. Advocate Soumen Halder representing the Respondent is also present in the hearing filing vakalatnama and hazira through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that he booked a flat bearing No.8/8E at the Rainforest Apartment Complex being developed by MKHS Housing LLP and executed agreement for sale on 27th June, 2017. Director of MKHS Housing LLP, as stated by the Complainant in the complaint petition, are Mr. Hemont Sikaria, Mr. Srikant Sikaria, Miss Astha Khetan and Mr. Kamal Chopra. He has already paid an amount of Rs.5093956/- which is 72.15% of the total consideration amount of the flat. According to clause 9.5 of the Agreement for Sale, the said flat was agreed to be handed over by December, 2019 with six months grace period, failing which the Respondent will be liable to pay the Complainant interest at the rate of 12% per annum on payment received till the date of possession. Now the construction work at the site has been stopped since last two years as per the Complainant and there is no assurance till date from the Respondent about the resumption of work. Complainant prayed for the relief of refund of the total amount paid by him</p> | |

with interest as per law.

Ld. Advocate of the Respondent submitted that the complaint petition has been filed against the Directors and not against the Developer Company. Ld. Advocate of the Respondent prayed for some time for filing written response.

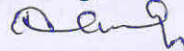
After hearing both the parties, this Authority is pleased to admit this matter for further hearing as per Rule 36(2) of the WBHIRA Rules, 2018 as prima facie there are sufficient grounds for further hearing in this matter.

Complainant is hereby directed to submit a notarized affidavit containing his total submission regarding this matter annexing therewith a signed copy of complaint petition, self attested photocopies of supporting documents and send it to the Authority by speed post or by hand delivery and also scan copy through email, after serving a copy to the Respondent in the same manner, within one week from the date of receipt of this order through email.

Respondent is directed to submit the written response to the complaint petition on a notarized affidavit annexing therewith authenticated copies of supporting documents, if any, and send the affidavit through speed post or by hand delivery to the Authority and a scan copy of the same through email, after serving a copy of the same to the Complainant in the same way, within two weeks after receiving affidavit of the Complainant.

Respondent is further directed to submit another affidavit mentioning the NPR no. of the projects which they have filed for HIRA registration and also mentioning whether payment has been made or not for registration.

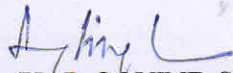
Fix 24/02/2021 for further hearing and orders.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority



(HAR GOVIND SINGH)

Member

West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority