

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000622**

**Abhijit Agarwala.....Complainant**

**AND**

**Sukhobrishti Spriha Phase 5 & 6..... Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 08.02.2021	<p>Complainant is present in the online filing hazira through email.</p> <p>Learned Advocate, Smt. Sanjukta Roy representing the Respondent is also present in the online hearing filing hazira and authorization through email.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that he booked a flat in the project named "Sukhobrishti", Phase-5, of the Respondent but till date he has not received the delivery of possession of the flat although the Respondent was supposed to give possession of the flat within 30.11.2018.</p> <p>The Complainant prays before the Authority for earliest delivery of possession of the flat and compensation for delay in delivery of possession as per law.</p> <p>Complainant further submitted that he wants an exact deadline from the Respondent on affidavit regarding the delivery of possession of the flat to the</p>	

Complainant.

Ld. Advocate of the Respondent submitted that from April, 2021 their construction work shall resume in the said project and as there is no provision for compensation in the GTC, the Respondent is not bound to pay compensation for delay in delivery of possession.

After hearing both the parties, this Authority is pleased to admit this matter for further hearing as per Rule 36(2) of WBHIRA Rules, 2018 as the Authority is of the opinion that there exists sufficient ground prima facie to proceed for further hearing.

The Complainant is directed to submit his total submission regarding this complaint petition and a chart containing details of total payment made by him on a notarized affidavit, annexing therewith a signed copy of the complaint petition and self attested photo copies of other supporting documents and send it to the Authority by speed post or by hand delivery and also through email a scan copy of the same after serving a copy to the Respondent in the same way, within 2 weeks from the date of receipt of this order by email.

Complainant is further directed to submit in his affidavit, mentioned above his response/reply regarding the statement of the Respondent that they will not give any compensation for delay in delivery of possession as it is not in their General Terms and Conditions (GTC).

Respondent is directed to submit their Written Response on a notarized affidavit in respect to the complaint petition and send it to the Authority by speed post or by hand delivery and also through email a scan copy of the same after serving a copy to the Complainant in the same way, within 3 weeks from the date of receipt of the affidavit of the complainant.

Respondent is further directed to submit in their affidavit mentioned



above, a deadline for delivery of possession of the flat to the Complainant.

Fix 22.04.2021 for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

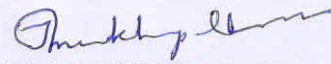
West Bengal Housing Industry Regulatory Authority



(HAR GOBIND SINGH)

Member

West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority