

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

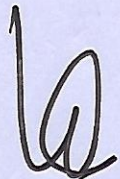
Complaint No. COM-000028 of 2019

Swapan Kumar Basu.....Complainant

AND

Srijan Realty Limited.Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
3 ----- 31-05-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. COM-000028 dated 02/01/2019 at the WB Housing Industry Regulatory Authority from Complainant Swapan Kumar Basu of Block No. 25, Flat No. 5B, Greenfield City Project, Jote Sihibrampur, Kolkata-700141 against Srijan Realty Limited of Holding No. E3/398, Shibrapore Road, South 24 pgs, Thakurpukur Mahestola, West Bengal, Pin-700141 and as per Rule 36 of the West Bengal Housing Industry Regulation Rules, 2018, NOTICE was issued for the alleged contravention and the Respondent as well as the Complainant were directed appear for hearing at the Office of the WB Housing Industry Regulatory Authority along with relevant documents on 22/01/2019.</p> <p>On 22/01/19, the Respondent appeared but the Complainant was absent. During the hearing</p> <p>The Respondent was directed to file reply within 7(seven) days with a copy of the same to the Complainant with relevant documents in his support and the matter was fixed on 07.02.2019 for next hearing.</p> <p>On 07/02/19, no hearing was held and the next date of hearing was fixed on 12/3/19.</p>	dispatched on 17-9-19


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On 12/03/19, both the Complainant and the Respondent appeared. The Complainant during the hearing has submitted that the subject matter of his claim falls within the jurisdiction of West Bengal Housing Industry Regulation Act, 2017. He has also submitted during the hearing that the Respondent be directed to provide the relevant documents like copies of buildings plan, site plans, Completion Certificate and the contact details of all HIG flat owners and further to refund the amount of RS. 10000/- recovered towards legal charges including for formation of AOA.

The Respondent submitted during the hearing that the complaint is not tenable under West Bengal Housing Industry Regulation Act, 2017 since Completion Certificate in respect of the Phase under which Complainant purchased a Flat has been granted by the competent authority on 16.10.2015.

The Respondent prayed for adjournment and accordingly the next date of hearing was fixed on 22/05/2019.

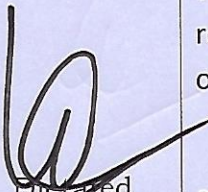
On 22/05/19, the Respondent appeared and filed hazira but the Complainant did not appear. Since the Complainant did not appear the next date of hearing was fixed on 31/05/2019.

On 31/05/19, the Complainant did not appear but the Respondent appeared.

During the hearing the Respondent submitted that the complaint is not tenable under West Bengal Housing Regulation Act, 2017 since completion certificate in respect of phase under which Complainant purchased a flat has been granted by the competent authority on 16/10/2015.

However, it is observed that the completion certificate has already been granted in respect of the phase of the project under which the Complainant has purchased this flat before 01/06/2018 i.e, date of commencement of this Act. Hence, the registration under this Act is not required in respect of the said phase of the project. However, other provision of the Act is applicable in respect of the said project.

It is fact that the Respondent has not taken any steps for formation of association of Apartment Owners of the allottees in the said project and the Respondent has also not handed over the documents and plans, including common areas, to the association of the Apartment of the allottees.


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Therefore, it is ordered that the Respondent shall take necessary steps for formation of the association of Apartment Owners of the allottees of the said project as per provisions of the WB Apartment Ownership Act, 1972, and hand over the necessary documents and plans, including common areas, to the said association of Apartment Owners of the allottees within a period as per provisions of the WB Apartment Ownership Act, 1972.

The matter is hereby disposed of.

Let a copy of order be communicated to both the parties.

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Designated Authority,

Housing Industry Regulatory Authority