

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000176**

**Gargi Ghoshal .....Complainant**

**AND**

**Evania Infrastructure Private Limited ... .. Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
5 ----- 12.02.2021	<p>The father of the Complainant Shri Goutam Ghoshal, as authorized representative of the Complainant, is present in the online hearing by filing hazira through email.</p> <p>The Respondent is absent in the online hearing despite sending hazira of his Ld. Advocate through email.</p> <p>The Authority is taking serious exception to the fact that the Ld. Advocate of the Respondent is not present in the online hearing after sending the hazira through email.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant submitted that till date he has not received any refund from the Respondent after the last order of the Authority. He requested this Authority to take necessary measures for recovery of the refund amount from the Respondent at the earliest.</p> <p>After hearing the Complainant the Authority is of the view that the Respondent intentionally and deliberately violating the final order of the</p>	

Authority dated 10.01.2020 in this matter and also the orders passed in the execution proceeding. Therefore this Authority is of the considered view to send the matter to the District Collector, North 24 Pgs., as per Rule 27 of the West Bengal Housing Industry Regulation Rules, 2018, read with section 40 sub-section (1) of the West Bengal Housing Industry Regulation Act, 2017, for recovery of the refund amount due, as arrears of land revenue as per the provisions of the Bengal Public Demand Recovery Act, 1913, from the Respondent.

Therefore, It is hereby, ordered that to realize the amount of refund as per the order dated 10.01.2020, this Authority in exercise of powers conferred under section 40 sub-section (1) of the WBHIRA Act, 2017, read with Rule 27 of the West Bengal Housing Industry Regulation Rules, 2018, this matter be sent to the District Collector, North 24 Pgs., to recover the refund amount as per the order dated 10.01.2020 from the Respondent as certificate dues under the Public Demand Recovery Act (Bengal Act 3/1913), treating the same as award of land revenue.

Complainant is at liberty to pursue with the office of the District Collector, North 24 Pgs., for recovery of the amount to be paid to him in terms of order dated 10.01.2020 passed by this Authority.

The Secretary, WBHIRA, shall communicate this order to District Collector, North 24 Pgs., With the request to initiate a certificate case for recovery of the amount as per order of this Authority dated 10.01.2020 and report compliance.

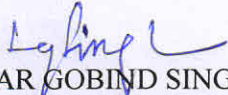
Let the copy of this order of the Authority and the final order of the Authority dated 10.01.2020 be sent to the District Collector, North 24 Pgs. to execute the order.

Complainant is directed to send the copy of this order to the Respondent to all his addresses.

This execution matter is listed in the month of June, 2021, for compliance of orders.



(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