ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

| Complair | nt No. COM-000043 of 2019 |
|----------------|---------------------------|
| Subrata Mondal | Complainant |
| AND | |
| Sachin Bhadra | Respondent |

| Sl. Number and date of order | Uluer and signature of Officer | Note of action Taken |
|------------------------------------|--|----------------------|
| 6 | | on order |
| 23-09-2019 | Complainant is present. Ld. Advocate is present on behalf of the Respondent. | dispatches |
| | The written objection filed by Respondent is kept on record. | |
| | The Complainant submitted that the builder is under obligation to | |
| | provide the common amenities and as per sanction building plan. It is also | |
| | submitted by Complainant that occupancy certificate/completion certificate | |
| | which are required to form Apartment Owners' Association have not been | |
| | provided to the Complainant by the builder. | |
| | Heard both the parties in details. | |
| | This complaint is not maintainable under WBHIRA Act, 2017 as rightly | |
| | argued by Ld Advocate of the Respondent as possession of the property in | |
| | terms of sale agreement was concluded prior to enactment of the WBHIRA | |
| Dictated | Act, 2017. The Complainant could not point out any breach or non fulfilment | |
| & corrected by me | of obligations of the sale agreement which require adjudication. | |
| 8 | This WBHIRA Authority observes that the Complainant and other | - |
| | occupants of the project are entitled to form Apartment Owners' Association | |

by filing application to competent authority under West Bengal Apartment Ownership Act, 1972 and the documents which are required to get such registration needs to be made available to the occupants. However, this is beyond the authority and purview of WBHIRA Act, 2017, in the present case.

In view of the reasons stated above, the complaint is dismissed.

Let the copy of this order be served to both the parties.

Dictated & corrected by me (ONKAR SINGH MEENA)
Designated Authority,
Housing Industry Regulatory Authority,
West Bengal.