

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000011

Moniruddin MandalComplainant

AND

Tapash Kumar Bhagwat.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
10 ----- 11.01.2021	<p>Complainant is present in the online hearing</p> <p>Respondent is absent despite due service of notice. Let service return be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>Complainant submitted that till date he has not received any response from the Respondent and also no communication has been made by the Respondent with him. He requested the Authority to take necessary steps for getting delivery of possession of the flat from the Respondent and full compliance of the order of the Authority dated 29/05/2019. Complainant also submitted that he has sent a notarized affidavit containing his submission regarding the execution application as per the order dated 22/09/2020 of the Authority.</p> <p>Let the affidavit of the Complainant be taken on record.</p> <p>After hearing the Complainant, the Authority is of the opinion that the Respondent failed to comply the final order of this Authority in this complaint matter dated 29/05/2019. Respondent also violated and neglected to comply the order passed in the execution hearing of this matter on 22/09/2020.</p> <p>In the final order of this Authority dated 29/05/2019 in this complaint case, it has been ordered that Respondent shall provide immediate possession of the flat to the Complainant as per the measurement submitted by the</p>	


enquiry committee, i.e, 664.86 sq, ft (covered area) and register the said flat within 30 days from the date of communication of the order. Respondent was also directed to pay an interest at the rate of 18% per annum of the amount paid by the Complainant from 17/02/2015 i.e, due date of delivery of possession of the flat to 31/05/2018 i.e, before the date of commencement of WBHIRA Act, 2017 and from 01/06/2018 the interest rate for delay in providing possession shall be as per SBI PLR plus 2% of the amount paid by the Complainant till actual possession of the flat as per rule 18 of the WBHIRA Rules, 2018 within 45 days from the date of communication of this order.

Respondent failed to comply final order of this Authority mentioned above inspite of providing him several opportunities to comply this order. He also avoided and neglected to appear before the Authority in number of hearings in the execution hearings.

Taking into consideration the above stated facts, the Authority is pleased to direct the Secretary, WBHIRA to make a physical verification of the flat and the project with the help of the Local Authorities and submit the report to this Authority within 01/03/2021. The physical verification report of the flat shall contain the actual address of the flat along with post office and police station, whether the flat is vacant or under lock and key, present status of completion of the flat, status of occupancy of the flat, if under occupation by whom and such other factors which the Secretary, WBHIRA is considered necessary in the case of physical verification. The report shall contain a search report regarding the ownership of the whole project plot and the flat which is booked by the Complainant.

Complainant and Respondent both will accompany the Secretary, WBHIRA at the time of physical verification and shall provide necessary co-operation regarding identification of the project and the flat booked by the Complainant and verification of it. The concerned District Administration are requested to provide all necessary co-operation in this verification and take necessary steps in this regard.

Fix 19/03/2021 for further hearing and order.



(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