

1, 2 or 3 for which the construction work commenced and now the project is on going and registered under Housing Industry Regulatory Authority.

The Complainant is not willing to accept the offer of the flat allotment in Tower 1, 2 and 3 and prays for the relief sought in the Complaint.

After careful consideration of the facts and documents, this is hereby ordered that the Respondent shall refund the entire money paid by the Complainant along with rate of interest as per sale agreement under clause 11.3 signed between the Complainant and the Respondent.

However, interest payment shall be paid @SBI prime lending rate plus 2% in terms of provision Section 18 of West Bengal Housing Industry Regulation Act, 2017 w.e.f 01/06/2018 till the entire amount is refunded by the Respondent to the Complainant.

The prayer of Respondent for six monthly installment is beyond the purview of West Bengal Housing Industry Regulation Act, 2017 and the same is not accepted.

The prayer of the Complaint for payment of damages of Rs.10.00 lakh and payment of compound interest rate of 2% per month is not admissible in terms of sale agreement and the fact that there is no Authority imposed on West Bengal Housing Industry Regulation Act, 2017, and Rules for damages as prayed for other than those provided under section 18 or relevant section of West Bengal Housing Industry Regulation Act, 2017.

The Respondent shall make the refund within 30 days from date of communication of the order.

The case is disposed off.

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


Designated Authority,
Housing Industry Regulatory Authority,
West Bengal.

Dictated
& corrected
by me

