

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000013 of 2018

Shri . Rahul Shankar.....Complainant

AND

Vedic Realty Pvt. Ltd.Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
8 ----- 14-05-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. COM-000013 dated 28/10/2018 at the WB Housing Industry Regulatory Authority from Complainant Mr. Rahul Shankar, Sunrise Greens, D 903, Jatragachhi, Deshbandhu Nagar, Rajarhat, KOLKATA-700162 against Vedic Realty Pvt. Ltd., 1/1B, Upperwood Street, Kolkata- 700017 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 to appear for hearing at the Office of the WB Housing Industry Regulatory Authority, along with relevant documents, on 15/11/2018.</p> <p>On 15/11/2018, Shri Rahul Shankar, the Complainant, appeared for hearing but the Respondent, Vedic Realty Pvt. Ltd. did not appear though the notice was received by the Respondent through speed post.</p> <p>The Complainant stated that the Respondent issued the allotment letter on 07/12/2013 and the Respondent promised to deliver the flat by September 2017 with six months grace period. The Complainant also stated that the total payment done by him to the Respondent was Rs. 20.6 lakh, but the Respondent failed to handover the flat till date. The Complainant has prayed for immediate refund of the principal amount along with interest.</p> <p>Since, the Respondent is not present, the next date of hearing was fixed on 11.12.2018.</p> <p>On 11/12/2018, none of the parties appeared for hearing. Hence, the next date of hearing was fixed on 29/01/2019.</p>	


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On 29/01/2019, Advocate on behalf of the Respondent appeared and filed Vakalatnama and the Complainant himself appeared.

The Respondent during the hearing submitted that the documents enclosed along with the Complaint have not been received by the Respondent. Hence, the Complainant was directed to provide the documents enclosed along with the Complaint to the Respondent through e-mail.

The Respondent prayed for further time to file reply. Accordingly, the Respondent was directed to file the reply within 10(ten) days and give a copy to the Complainant and the Complainant was directed to file his counter to the reply of the Respondent within 7 days thereafter. The next date of hearing was fixed on 19.02.2019.

On 19/02/2019, both the parties appeared for hearing.

The Respondent submitted that necessary documents were not served with the previous notice under Rule 36 of the WBHRA Rules 2018; hence, the notice was not completed within the meaning of the said rule.


The Respondent stated that the Respondent has received the documents, annexed with the complaint, with the last notice issued by the authority. Hence, the Respondent sought further time to file reply. Accordingly, the Respondent was directed to file the reply within 7 days and serve a copy of the same to the Complainant. The Complainant was directed to file his counter to the reply of the Respondent, if any, within 7 days thereafter and the next date of hearing was fixed on 04/04/2019.

On 04/04/2019, both the Complainant and Respondent filed their hazira.

The Respondent submitted a written reply. The Respondent stated that it is denied that the Complainant booked a flat on 26/11/2013 in the Sanjeevashree Project with the Respondent. It is also denied by the Respondent that the Respondent promises to deliver the flat by September, 2017 with six months grace. The Respondent also stated that no allotment letter has been issued to the Complainant from the Respondent i.e, M/s Vedic Realty Private Limited.

The Complainant stated that allotment letter issued by M/s Vedic Conclave Private Limited and not M/s Vedic Realty Private Limited. Accordingly, the next date of hearing was fixed on 02/05/2019.

On 02/05/2019, none of the parties appeared for hearing and since no one appeared the next hearing was fixed on 14/05/2019.


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On 14/05/2019, also none of the parties appeared.


Since, none of the parties appearing in any hearing it is justified to consider the matter as per submissions and documents furnished by the parties till date.

I have gone through the documents submitted by both the parties to this complaint and the submissions made by both the parties.

It is a crystal clear fact that Complaint has been made against M/s. Vedic Realty Pvt. Ltd. but agreement for sale of the flat has been made between the Complainant and Vedic Conclave Private Ltd. and the payment also been made by the Complainant to the Vedic Conclave Private Ltd.

Therefore it is hereby ordered that since the documents submitted by the Complainant are not related with the Respondent, the present complaint is disposed of without any direction.

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


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Designated Authority,

Housing Industry Regulatory Authority