

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000017 of 2018

Dr. Avik Kumar Jana.....Complainant

AND

Sourabh AgarwalRespondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
5 ----- 24-05-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. COM-000017 dated 30/11/2018 at the WB Housing Industry Regulatory Authority from Complainant Dr. Avik Kumar Jana against Shri Sourabh Agarwal of Everlight Construction Pvt. Ltd. Suite No. 227, Siddha Weston, 9, Weston Street, Kolkata- 700013 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 appear for hearing at the Office of the WB Housing Industry Regulatory Authority along with relevant documents, if any, on 18/12/18.</p> <p>On 18/12/18, Complainant did not appear for hearing. Representative of the Respondent appeared and his attendance was duly recorded.</p> <p>The Respondent stated that the project has already been completed without CC. As per Agreement, he was to hand over the flat to the Complainant by March 2018 with a grace period of six months. However, he has failed to comply with the above schedule. He has submitted copies of the Agreement for Sale, Sanctioned Plan & Money Receipts from WBSEDCL.</p> <p>As the Complainant failed to appear at the Hearing, Respondent was directed to appear for a further hearing on 03/01/2019.</p> <p>On 3/01/19, both parties appeared for hearing.</p>	

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The Respondent has submitted that the project does not fall within the purview of Housing Industry Regulation Act,2017 as the total area of Land of the project is 334.44 sq. mt. and the number of apartments does not exceed 8 inclusive of all phases.

The Respondent has submitted the Sanctioned Plan and Land area detail. The Complainant sought time to make his submission.

On 27/03/19, the Complainant did not appear for hearing. Representative of the Respondent is appeared and filed his hazira.

Respondent stated that he received the completion certificate from Rajpur Sonarpur Municipality dated 08/03/2019 of his project. The Respondent also stated that he requested the Complainant, Dr. Avik Kumar Jana on 08/03/2019 with the request to take possession of the flat as the flat has been completed in all respect and also requested the Complainant to pay all the pending dues within seven days but no response received from the Complainant. The Complainant also stated that the project would not file within the limits of HIRA as per Section 3(A) of the Act as the land of the project is 5 catha (334.44 square metres approximate) and number of total flat is 8. The Respondent submitted written statement in his favour.

As the Complainant was absent and had not submitted his submission in reply to the Respondent, for which the Complainant sought time on 03/01/2019 during hearing.


The Complainant has been requested to submit his submission on or before next date of hearing.


The next date of hearing was fixed on 16/05/2019.

On 16/05/19, the Complainant appeared and filed hazira but the Respondent was found absent. The next date of hearing was fixed on 24/05/2019.

On 24/05/19, none of the parties appeared for hearing.

The next date of hearing will be fixed in due course.


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Designated Authority,
Housing Industry Regulatory Authority