

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000021 of 2018

Mr. Vijay Kumar Mohta.....Complainant

AND

Bengal Unitech Universal Infrastructures Pvt. Ltd.Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
4 ----- 31-05-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. COM-000021 dated 06/12/2018 at the WB Housing Industry Regulatory Authority from Complainant Mr. Vijay Kumar Mohta of P-10, Devendra Dutta Lane, Kolkata- 700007 against Bengal Unitech Universal Infrastructures Pvt. Ltd. of Main Arterial Road, Kolkata-700156 and as per Rule 36 of the West Bengal Housing Industry Regulation Rules, 2018, NOTICE was issued for the alleged contravention and the Respondent along with the Complainant were directed appear for hearing at the Office of the WB Housing Industry Regulatory Authority on 03/01/2019.</p> <p>On 03/01/2019, the Respondent appeared but the Complainant did not appear.</p> <p>The Complainant stated in his complaint that the booking was done in May 2011 with assurance of completion within 36 months but still there is no communication of possession. The Complainant in his complaint has sought as relief of Delayed compensation as per regulation and Refund of money with compensation if further delayed.</p> <p>The Respondent has submitted during the hearing that a Court case in this regard is pending before the Hon'ble Supreme Court of India. Wherein interim protection has been given by the Hon'ble Court that no other court or Authority shall take any Coercive steps against the petitioner No.3 and its subsidiary companies in the said court case and submitted an order of Hon'ble Supreme Court of India in this regard.</p> <p>But, the Respondent failed to produce any documents that the Respondent is the petitioner No.3 or its subsidiary company in the said court case before the Hon'ble Supreme Court of India. Hence, the Respondent is directed to bring the document before this Authority in order to prove his submission and the next date hearing was fixed on 17/01/2019.</p> <p>On 17/01/2019, the Respondent appeared but the Complainant did not appear.</p>	

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As per the previous order dt. 03/01/2019 passed by this Authority, the Respondent submitted a copy of Impleadment Petition filed by Unitech Ltd. before the Hon'ble Supreme Court of India in SLP(Crl) No. 5978 – 5979 of 2017 and subsequent order thereto allowing the said Impleadment Petition.

The Respondent further submitted that an Amicus Curiae has been appointed by the Hon'ble Supreme Court of India for compilation of a list of projects and the names of the consumers and the amount deposited project wise.

Hence, the Respondent was directed by this Authority during the hearing to place documents before this Authority to state that the project wherein the Complainant booked his flat is also enlisted in the aforesaid list as prepared as per direction of the Hon'ble Supreme Court of India. The Respondent was also directed to submit before this Authority the present status of the case before the Hon'ble Supreme Court of India. Accordingly, the next date of hearing was fixed on 07/02/2019.


On 07/02/2019, hearing was not held and the next date of hearing was fixed on 12/03/2019.

On 12/03/2019, the Respondent was present but the Complainant did not appear for hearing. During the hearing a list of Housing projects undertaken by Unitech has been submitted by the Respondent but it is not cleared from the documents that the Respondent company in the present petition is a subsidiary company of the petitioner No. 3 in the case before the Hon'ble Supreme Court of India and the housing project wherein the Complainant has booked his flat has also been made part of the court case before the Hon'ble Supreme Court of India. It is a fact that a list of pages 50-55 has been submitted by the Respondent but pages 1-49, if any has not submitted by the Respondent. Since, the Complainant was not present during the hearing the next date of hearing was fixed on 22/05/2019.

On 22/05/2019, the Complainant appeared and filed hazira but the Respondents did not appear for hearing in spite of proper notice. As the Respondent did not appeared the next date of hearing was fixed on 31/05/2019.

On 31/05/2019, both the Complainant and the Respondent appeared and filed their hazira.

It is a fact that a court case No. SLP(Crl) No. 5978 – 5979 of 2017 is pending before the Hon'ble Supreme Court of India, wherein an interim protection has been given by the Hon'ble Apex court of India that no other court or Authority shall take any coercive steps against the petitioner No.3 & its subsidiary companies.


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It is not proved that the Respondent company in the present petition is a subsidiary company of the petitioner No. 3 in the case before the Hon'ble Supreme Court of India and the housing project wherein the Complainant has booked his flat has also been made part of the court case before the Hon'ble Supreme Court of India.

Therefore, last opportunity is provided to the Respondent to submit an affidavit of declaration stating that the Respondent company in the present petition is a subsidiary company of the petitioner No. 3 in the case before the Hon'ble Supreme Court of India and the housing project wherein the Complainant has booked his flat has also been made part of the court case before the Hon'ble Supreme Court of India and the Respondent shall also submit proper documents in support of such affidavit of declaration.

The Respondent is directed to submit such affidavit along with supportive documents within 15 days from the date of communication.

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Designated Authority,
Housing Industry Regulatory Authority