

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000124 of 2019

Sanjeev Kunal.....Complainant

AND

Uday Modi, Vedic Reality Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 ----- 10-12-2019	<p>The Complainant is present and files hazira.</p> <p>The Respondent is not present despite notice duly served as per postal slips. Let service return be kept on record.</p> <p>This Authority noted from the facts of the case that Respondent Company did not participate in the hearing today despite proper service of the notice and accordingly as stated in the Authority's order dated 21/10/2019, this Authority is satisfied to proceed ex parte in terms of Rule 36(2) of WBHIRA Rules, 2018.</p> <p>The Complainant filed documentary evidences before this Authority which have already taken on record.</p> <p>The evidence produced by the complainant has been examined. This is evident that the Respondent Company invited applications from the prospective home buyers for the project namely "Ivy Green" of the Vedic Realty Pvt. Ltd. and the Complainant booked a flat bearing no.4-B1,unit type 2BHK number of parking-1 with 990 sq ft. super built up area in block IG-04 in the first floor of the said project by paying the requisite booking money against Application no. B-IVYG/00371/14-15 which has been duly accepted</p>	

Dictated  
& corrected  
by me



Dictated  
& corrected  
by me



and confirmed by Respondent Company by issuing of allotment letter dated 14/10/2014.

Complainant paid total Rs. 1674243/- till date to the Respondent and the Respondent Company duly received the payment by issuing money receipts in this respect. The details of the payment are stated below :

Rs.100000/- vide receipt no.MR-IVY/01480/14-15 dated 04/10/2014,  
Rs.150000/- vide receipt no.MR-IVY/01481/14-15 dated 04/10/2014,  
Rs.383282/- vide receipt no.MR-IVY/01577/14-15 dated 14/11/2014,  
Rs.33371/- vide receipt no.MR-IVY/01584/14-15 dated 20/11/2014,  
Rs.1007590/- vide receipt no.MR-IVY/03759/16-17 dated 13/01/2017.

An agreement for sale has been executed between the Complainant and the Respondent Promoter on 23/12/2014 and a supplementary agreement was signed between the parties on 01/12/2015 for sale of the flat mentioned above for a total consideration amount of Rs.3214000/- plus service tax.

After examining the brochure of the project of the Respondent Company and verifying the money receipts duly acknowledged and confirmatory letter of allotment duly issued by the Respondent Company, this is proved that Respondent Company could not fulfill their obligations made in the allotment letter against application no.B-IVYG/00371/14-15 and failed to give delivery of possession of the said flat to the Complainant as per the agreement between the parties. The Authority is satisfied to the effect that the Complainant booked the flat in their project and the Respondent Company could not fulfill their obligations to complete the project and offer possession to the Complainant for the reasons best known to the Respondent Company.

Accordingly, after careful examination of the facts of the case and documentary evidence produced by the Complainant, this Authority is satisfied that there are serious breaches on the part of the Respondent regarding delivery of possession to the Complainant and therefore it is hereby

Ordered.

that the Respondent Company shall refund entire amount of Rs. 1674243/-

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by me



paid by the Complainant alongwith interest at the rate as agreed upon between the parties in the agreement signed between the parties on 23/12/2014 from the date of payment to 31.05.2018 and at the rate of SBI Prime lending interest rate plus 2% from 01.06.2018 till the date of final payment of refund. Respondent Company shall refund the amount in the bank account of the Complainant by bank transfer within 45 days from the date of communication of this order.

It is to be noted that failure to comply orders of this Authority shall attract the penal provisions of WBHIRA Act, 2017 in terms of section 63 of the Act.

The Complainant is allowed to serve the copy of final order and refund the amount to the Complainant as per this order.

Complainant is at liberty to take steps to approach the appropriate Authority for execution of this order if not complied by the Respondent Company.

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

Complainant petition is thus disposed off.

  
(ONKAR SINGH MEENA)  
Designated Authority,  
Housing Industry Regulatory Authority,  
West Bengal.