

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000312

Bijan ChoudhuryComplainant

Sree Jolly Prakash Saha.Respondent

| Sl. Number and date of order | Order and signature of Officer | Note of action taken on order |
|------------------------------|--|-------------------------------|
| 3 ----- 29.01.2021 | <p>Smt. Debasree Roy daughter of the Complainant and also authorized representative of the Complainant is present in the online hearing filing hazira through e-mail.</p> <p>Respondent is absent despite due service of notice.</p> <p>Let the service return be kept on record.</p> <p>Heard the complainant in detail.</p> <p>Complainant submitted that till date he has not received the possession of the flat purchased by him from the Respondent and he also requested this Authority to take necessary measures so that he will get the delivery of possession of the flat from the Respondent at the earliest.</p> <p>The case of the Complainant is that the registration of the flat booked by him was held in the year 2019 but till date the Respondent did not hand over</p> | |

the possession of the flat to the Complainant.

The flat was booked by the Complainant in the project of the Respondent named 'Alankit Towers', Holding No. 49/12, Nirmal Sengupta Sarani, PS- Dumdum, Kolkata – 700 079, Ward No. -3, Dist.- North-24-Parganas, West Bengal, and it was booked on 5.2.2015. The registration of the flat was held on 1.8.2019, by registration Deed No. I-150 in the year 2019. The Respondent promoters namely Mr. Jolly Prakash Saha and M/S Alankit Pvt. Ltd. of 65, Swami Sarupananda Sarani, PS- Dumdum, Kolkata – 700 028, Dist.- North-024-Parganas, West Bengal, have given the complainant the possession letter of the said flat on 2.8.2019. The Complainant paid the total amount of the said flat.

The complainant submitted on a notarized affidavit containing all the addresses, phone nos. etc of the Respondent, which has been taken on record.

The matter was heard before the Authority on 13.8.2020, 22.9.2020 and 11.1.2021, of these three days the Respondent was absent despite due service of notices. Therefore, it is evident that the Respondent is intentionally violating the orders of this Authority and also neglecting this Authority by remaining absent in all the hearings before the Authority.

In the last order dated 11.1.2021, it was stated that the matter will be taken for ex-parte hearing and order on the next date of hearing today if the Respondent remains absent.

Therefore, this Authority is of the view that several opportunities were given to the Respondent to be present before the Authority and submit his

response against this complaint petition but the Respondent violated the direction of the Authority in every occasions and failed to take the opportunity so the Authority has no other option but to hear the matter ex-parte and order accordingly.

Therefore, it is hereby ordered that the Respondent shall deliver the possession of this flat within two weeks from the date of receipt of this order by e-mail and shall submit the compliance report to the Authority within one month from the date of receipt of this order by e-mail. The Respondent is further directed to take all the initiatives to make delivery of possession from his end.

In case of failure of the Respondent to comply this order action shall be taken against the Respondent for such non-compliance from his end.

Complainant submitted at the time of hearing that there is a change of address of the Complainant. The new address shall be as follows:-

Sri Bijon Chaudhury,
C/o Debasree Roy daughter of Bijon Choudhury,
Mayaloke Apartment,
1, Pritilata Sarani,
Dumdum, P.S.- Italgacha,
Kolkata – 700 079,
(M) NO.- 7807240074, 9805459697

Respondent is directed to make correspondence with the Complainant in his new address as given above.

Henceforth all the correspondences from this Authority shall be sent to the new address of the Complainant.

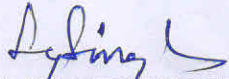
With the above direction the matter is hereby disposed of .



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority

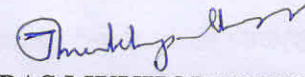


(HAR GOVIND SINGH)

Member

West Bengal Housing Industry

Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry

Regulatory Authority