

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000111

Tapas Banerjee.....Complainant

AND

Sukdeb Koley.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
8 ----- 28.01.2021	<p>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 at length.</p> <p>Complainant submitted that till date he has not received any refund payment from the Respondent as per order of this Authority dated 16.01.2020.</p> <p>The Complainant requested this Authority at the time of hearing to take necessary measures to recover the refund amount from the Respondent.</p> <p>After hearing the Complainant and taking into consideration the fact that the Respondent is deliberately violating successive orders of this Authority in the execution hearing, the Authority is of the considered view to send the instant matter to the appropriate Authority that is to the District Collector, Howrah, as per Rule 27 of the West Bengal Housing Industry Regulation Rules, 2018, read with Section 40(1)</p>	

of the West Bengal Housing Industry Regulation Act, 2017, for recovery of the refund amount due as arrears of land revenue under the Provisions of the Bengal Public Demand Recovery Act, 1913.

The Respondent also neglected to pay the penalty amount, as ordered by this Authority in its order dated 6.1.2021. It is evident that the Respondent promoter is avoiding the WBHIRA Authority with intention of non-compliance of the orders passed by this Authority.

Therefore, it is hereby ordered, that in order to recover the amount of refund as per this Authority's orders dated 16.1.2020 and the penalty amount as per this Authority's order dated 6.1.2021, this Authority in exercise of its power under Section 40(1) of the WBHIRA Act, 2017 read with Rule 27 of the WBHIRA Rules, 2018, send and refer this matter to the District Collector, Howrah to recover the amount as per order dated 16.1.2020 and 6.1.2021 from the Respondent as certificate dues under the Public Demand Recovery Act (Bengal Act 3/1913) treating the same as order of land revenue.

Complainant is at liberty to pursue with the office of the District Collector, Howrah, for the recovery of the amount to be paid to him in terms of order dated, 16.1.2020 passed by this Authority.

The Secretary, WBHIRA Authority, shall communicate this order to District Collector, Howrah, for recovery of the amount as per Orders of this Authority dated 16.1.2020 and 6.1.2021 by initiating certificate case and report compliance.

The copy of this Authority's order along with necessary documents shall be sent to the District Collector, Howrah, to execute the order for recovery of dues as stated above.

Complainant is allowed to send a copy of this order to the Respondent.

This execution case to be listed in the month of June, 2021 for compliance of orders.



(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