

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000402

Avik Choudhury.....Complainant

AND

Tirushivam Realty Pvt. Ltd.....Respondent

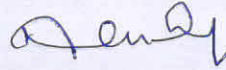
Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
<p style="text-align: center;">1 ----- 04.02.2021</p>	<p>Complainant is present in the online hearing filing hazira through e-mail.</p> <p>Respondent is absent in the online hearing despite due service of notice.</p> <p>Let the service return be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>The case of Complainant is that he booked a flat in the project of the Respondent, named 'Tiru Elysia', and a sale agreement was executed between the parties on 16.2.2015. The flat booked by the Complainant bearing flat No.-11C, Area-1433sq.ft, at 95, M. G. Road, Thakurpukur, Kolkata – 700 063. Till date the Complainant has paid Rs.48,39,697/- in total to the Respondent in this regard. But the Respondent, fails to deliver the possession of the flat in August, 2017, as agreed between the parties.</p> <p>As per the Complainant, the construction of the work in the project has stopped from 2017, and till date there is no progress of the work in concerned project.</p> <p>The Complainant prayed before this Authority for refund of the amount of Rs.48,39,697/- along with interest @18% as per clause 10 of the sale agreement.</p>	

After hearing the Complainant, the Authority is of the view that there exists prima facie sufficient ground to admit this matter and proceed for further hearing as per Rule 36 Sub-Rule(2) of WBHIRA Rules 2018, and the Authority hereby pleased to admit this matter and direct the Complainant to submit on a Notarized Affidavit his total submission regarding this complaint petition, annexing with the Affidavit a signed copy of the Complaint Petition and other supporting documents for examples :- Photocopy of Allotment Letter, Agreement for Sale, Copy of Money Receipts and other Correspondences with the Respondent.

The Complainant is directed to send original copy of the affidavit to the Authority by speed post or by hand delivery and e-mail a scan copy within three weeks from the date of receipt of this order by e-mail, after serving a copy of the Affidavit to the Respondent by speed post and also by e-mail.

Respondent is directed to submit their Written Response to the complaint petition on a notarized affidavit, annexing with it supporting documents, if any, and send the affidavit to this Authority by speed post or by hand delivery and also by e-mail within three weeks from the date of receipt of the affidavit of the Complainant, after serving a copy of the affidavit to the Complainant by speed post and also by e-mail.

Fix 21.05.2021 for further hearing and order.



(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