

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000115 of 2019

Dipika Banerjee.....Complainant

AND

Soumitra Construction 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;">3 ----- 26-11-2019</p> <p>Dictated & corrected by me </p>	<p>Complainant is present and filed hazira.</p> <p>Respondent is absent though notice has been duly served along with complaint petition at the address provided by the Complainant and service return has been confirmed by postal slips.</p> <p>Let the service return be kept on record.</p> <p>The Respondent Company did not participate in the hearing despite repeated opportunity to the Respondent and therefore, this Authority having satisfied decided to proceed ex parte.</p> <p>Heard the Complainant and recorded evidence.</p> <p>This is the case of Complainant that she booked a flat of 2 BHK standard with total saleable area of approximately 702 square ft., flat no.4G on fourth floor in tower 04 in phase 1B of the project namely "The County" of the Respondent company of total consideration of Rs.21,29,327/-. The sale agreement was signed on 10/05/2014 between the Complainant and the Respondent Company. The Complainant paid Rs.5,92,456/- till date. Respondent Company accepted amount of Rs.1,90,509/- on 16/10/2015 by receipt no.SCPA/TC/07/4/4G/b/15-16, and Rs.51,545/- on 10/04/2014 vide</p>	

receipt no.SCPL/TC/07/4/4G/14-15. An amount of Rs.3,50,402/- was paid vide cheque no.271924 on 26/05/2014 to the Respondent Company. Bank statement in this regard has been submitted by Complainant and taken on record.

Dictated
& corrected
by me



Payment of booking amount along with confirmation letter of booking was communicated to the Complainant by Authorised signatory of the Company on Company Letter Head vide Ref No.AL/SCPL/TC/07/4/4G/14-15 dated 10/04/2014.

The evidence produced by the Complainant has been examined. This is evident that Respondent Company invited applications from the prospective home buyers for the project "The County" and the Complainant booked the flat by paying the requisite booking money against customer ID NO.SCPL/TC/07/4/7G/13-14 , which has been duly accepted and confirmed by Respondent Company. This Authority is satisfied to that effect that the Complainant booked the flat in their project and the Respondent Company could not fulfil their obligations to complete project and offer possession to the Complainant for the reasons best known to the Respondent Company.

Respondent Company did not participate in hearing despite notices duly served.

After careful examination of evidence and facts of the case this is hereby,

Ordered,

that the Respondent Company shall refund the amount of Rs.5,92,456/-/- along with interest at the rate of SBI rate savings account interest per annum from the date of payment to 01/06/2018 and at the rate of SBI interest plus 2% from 01/06/2018 till the date of final payment, within 45 days from the date of receipt of this order. All the payment in terms of this order has to be made to the Bank Account of the Complainant, on demand in terms of this order.

Let a copy of this order be issued to both the parties for compliance.

The complaint petition is thus disposed off.


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