ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000112 of 2019

Arunangshu Majumder.....Complainant

AND

Eden Realty Ventures Pvt Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 --- 21-10-2019 Dictated & corrected by me	Complainant is present along with his wife. Ld. Advocate Sanjay Bhattacharjya appeared filing vakalaltnama on behalf of the Respondent. Heard both the parties in details on merits of the case. Respondent denied to have issued advertisement mentioning PMAY subsidy scheme in the brochure at page 11 as claimed by the Complainant and further submits that the complaint petition is not maintainable. The Complainant in a written statement before the Authority, as taken on record, and mentioned in the order of the Authority dated 23/09/2019, claimed that the brochure published on website surehomz.com mentions about availability of subsidy under PMAY scheme. Authorised Officer of the Company Mr. Somnath Chatterjee stated on oath today that no such mention of CLSS /PMAY scheme has been mentioned in the website surehomz.com for the project Solaris Joka and the claims of the Complainant are denied. Written reply on behalf of the Respondent and statement of Sri Somnath Chatterjee are taken on record.	

Dictated & corrected by me

The Complainant vehemently opposed the claims of the Respondent. Co-applicant of the complaint petition and wife of the Complainant stated on oath that the Respondent Company mentioned about availability of PMAY subsidy in the advertisement floated on website surehomz.com which are withdrawn now and modified brochure is published on the website, accordingly to the Complainant. Complainant also referred to various newspapers clippings published on the website of Respondent Company that indicates that the Respondent Company made publicity about availability of subsidy of PMAY scheme in the Project, though contents of such newspaper clipping does not conclusively prove the claims of the Complainant.

I have heard both the parties in detail.

The Complainant could not conclusively substantiate the claim that Respondent Company assured subsidy PMAY for allottees. Contrary printed brochure and general terms and conditions of the project Solaris Joka filed during hearing and taken on record, does not mention any such assurance as rightly contested by Ld. Advocate of the Respondent. This Authority is guided by the provisions of the law and evidence which can prove the contraventions of provisions of WBHIRA Act, 2017. PMAY Scheme benefits are not available outside the municipal areas and planning authorities and therefore, allottees of this project are not eligible to claim any PMAY subsidy.

Therefore, after examining the documents and written statement WBHIRA Authority is satisfied that the allegations in the complaint petition are not conclusively proved and the complaint petition is dismissed accordingly on contest. .

The case is thus disposed off.

Let a copy of this order be sent to both the parties.

21.10.2019

(ONKAR SINGH MEENA)
Designated Authority,