

NOTE SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000019 of 2018

Smt. Jogmaya Mondal.....Complainant

AND

Shri . Bidyut Ghosh & OthersRespondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
6 ----- 31-05-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. COM-000019 dated 04/12/2018 at the WB Housing Industry Regulatory Authority from Complainant Smt. Jogmaya Mondal of 93, Makhla Charaktala Post Office, Mahkla, Hooghly - 712245 against Shri Goutam Chandra Ghosh & Others of South Subhas Pally, Dankuni, Hooghly - 712311 and as per Rule 36 of the West Bengal Housing Industry Regulation Rules, 2018, NOTICE was issued for the alleged contravention and the Respondent as well as the complainant were directed appear for hearing at the Office of the WB Housing Industry Regulatory Authority on 3/1/19.</p> <p>On 3/1/19, the Complainant appeared and stated that the official address of the Partnership firm M/s Alpha Highrise is under lock & key.</p> <p>The Complainant submitted agreement for sale, supplementary agreement for sale executed by and between the complainant and the respondent, money receipt including bank statement, legal notice and the address of the partners of M/s Alpha Highrise.</p> <p>The Complainant has stated that there are five partners of M/s Alpha Highrise. However, the address of two partners are not traceable and three addresses are verified and correct.</p>	

Dictated
& corrected
by me

Since the Respondent failed to appear in the hearing, the next date of hearing was fixed on 17/01/2019.

On 17/1/19, Complainant appeared for hearing, but the Respondents did not appear as the notices issued to the Respondents were not served. However, it is observed that one of the notices was returned for refusal. Since the Respondents had not appeared before the Authority, another chance was provided to the Respondents and the next date of hearing was fixed on 07/02/2019 .

On 07/02/19, no hearing was held and the next date of hearing was fixed on 12/3/19.

On 12/3/19, the Complainant appeared and filed hazira. Notices were sent to Respondent No.1 and 3 but they refused to receive. Accordingly, next date of hearing was fixed on 07/05/2019.

On 7/5/2019, the complainant appeared but the respondent failed to appear in spite of proper notice. It was observed that the notices issued by this Authority to the respondents were returned as the respondents refused to receive the notices. Accordingly, the next date of hearing was fixed on 22/05/2019.

On 22/05/2019, the complainant appeared and filed hazira. The respondents did not appear for hearing. Accordingly, last opportunity was provided to the Respondents to appear for hearing and the next date of hearing was fixed on 31/05/2019.

On 31/05/2019, the complainant appeared and filed hazira. The respondents did not appear for hearing. The Complainant stated during the hearing that on 13th November 2016 the Complainant made an agreement for sale with M/S Alpha Highrise for purchasing one office on the second floor front side on the south east corner having covered area measuring 594.4Sq Ft & Superbuilt area of 743 sq ft more or less at M/S Alpha Highrise, Vishal Megamart Compound (Durgapur Expressway Crossing), South Subhas Pally, P.O. & P.S. Dankuni, Dist - Hooghly, Pin - 712311. The Complainant has paid Rs10,00,000/- (Rs Ten Lakhs) on 30/11/2016 vide Axis Bank cheque no 049632 & another Rs10,00,000/- (Rs Ten Lakhs) on 20/06/2017 vide UBI cheque no 618096. The Complainant stated that he expected to get possession within one & half year of the said agreement, but till date he

Dictated
& corrected
by me

didn't get possession. The Complainant further stated that the Respondent has not answered the complainant's phone calls. The Respondent even didn't reply to the legal notice served on 11/07/2018 till date.

I have gone through the complaint, documents submitted by the Complainant and the submission made by the Complainant during the hearing since the Respondents have deliberately failed to appear in any of the hearings taken by this Authority.

It is a fact that the Complainant has paid Rs. 20,00,000/- to the Respondent towards payment for purchasing one office on the project of the Respondents. It is also a fact that the Respondents have not provided the possession of the said office space to the Complainant.


Therefore it is hereby ordered that the Respondents shall refund the entire amount paid by the Complainant along with an interest at the rate of State Bank of India Prime Lending rate plus @2% per annum as rule 18 of the Housing Industry Regulation Rules, 2018 from the date of payment till the refund is made since there is no clause in the agreement regarding default on the part of the Respondent.

The payment with interest shall be refunded by the Respondent within 45 days of receipt of this order. A compliance report shall be submitted by the Respondent within 7 days therefrom.

The matter is hereby disposed of.

Let a copy of the order be communicated to both the parties.

Dictated
& corrected
by me


Designated Authority,
Housing Industry Regulatory Authority
West Bengal