

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000361

Anjan Choudhury.....Complainant

AND

Ideal Real Estates Private Limited.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 10-07-2020 Dictated & corrected by me	<p>Complainant is present filing hazira.</p> <p>Authorised Representative of the Respondent Shri Anuj Tulsian and Smt Sohini Sinha are present filing hazira.</p> <p>Shri Anuj Tulsyn, the Authorised representative of the Respondent submitted a written petition on affidavit, serving a copy to the Complainant, praying before the Authority for direction to the concerned to provide them a copy of the complainant petition alongwith its all annexures and prayed for some time to file reply in the instant case.</p> <p>Let the Written submission of the Respondent be taken on record.</p> <p>Considered the prayer of the Respondent and time is allowed upto 22nd July,2020 for filing of Written Response on Affidavit.</p> <p>Heard the complainant.</p> <p>This is the case of the Complainant that he booked a flat/unit bearing number 6B on the 6th Floor in Tower named Eucalyptus/6B admeasuring built-up area of 1256 carpet area approximately in the housing complex known as “Ideal Greens” of the Respondent Company with total</p>	

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by me

consideration value of Rs.93,44,489/- on 19.09.2014. The said booking was confirmed by the Respondent Company by its allotment letter dated 19.09.2014.. Till date he has paid total Rs.71,62,224/- to the Respondent in this regard. An 'Agreement for sale' was executed between the Complainant and Respondent on 11.02.2015 in this regard. It is claimed by the Complainant that as per clause 9.5 of the Agreement for Sell ,the delivery of possession was required to be made by the Respondent within October,2019 but till date delivery of possession has not been made and the progress of the project is far from the assurance and the timeline as agreed between the parties and recorded in the sale agreement. Complainant prays order for refund of entire deposit in terms of provisions of WBHIRA Act, 2017 and rules made thereunder.

The Complainant submitted self-attested photocopy of necessary documents on oath in support of his case at the time of hearing today.

Let the documents be taken on record.

Complainant is directed to send a copy of the signed Complaint petition and supporting documents to the Respondent within 2 (two) days.

This Authority is satisfied that prima facie there appears violation of the provisions of the WBHIRA Act and rules made thereunder and therefore it is expedient to proceed further in terms of sub-rule (2) of rule 36 of WBHIRA Rules, 2018 and accordingly issue notice directing the Respondent to submit written response to this Complaint Petition on affidavit within 22nd July,2020, serving a copy to the Complainant.

Respondent is further directed to submit a written statement on Affidavit specifying the total fund collected in the project, the total expenditure incurred and the present status of construction of the instant project, on or before 22nd July,2020, serving a copy to the Complainant.

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Complainant is directed to submit a written submission on Affidavit containing the verbal contentions which he has made before this Authority today at the time of hearing, serving a copy to the Respondent.

Fix the matter on 28.07.2020 at 12 pm for further hearing and orders.

This date of hearing of this matter shall be duly notified by speed post, via email and also by notice in the website of the WBHIRA.

Sd/-

(HAR GOBIND SINGH)
Member

West Bengal Housing Industry Regulatory Authority

Sd/-

(SANDIPAN MUKHERJEE)
Chairman

West Bengal Housing Industry Regulatory Authority