

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000438

Moumita Biswas and Nripendra Nath Biswas.....Complainant

AND

Hemont Kumar Sikaria.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 23.03.2021	<p>Complainants are present in the online hearing.</p> <p>Ld. Advocate Soumen Halder, representing the Respondent, is also present in the online hearing filing hariza and vakalatnama through email.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that they booked a flat in the project named 'Essence' project of the Respondent and agreement for sale was executed on 2nd May, 2013, for the flat No. 4/4F1, 4th Floor, with super built up area of approximately 1420 Sq. Ft. Till date the Complainants have paid Rs. 40,82,000/- to the Respondent in this regard. As per the sale agreement the flat was supposed to be handed over by June, 2016, but still not completed.</p> <p>Complainants pray before the Authority to issue an order against the Respondent to hand over the flat, within 6 months or refund their money alongwith 12% rate of interest as per the sale agreement.</p> <p>Ld. advocate of the Respondent submitted at the time of hearing that as per</p>	

prayer of the Complainant the Respondent will hand over the possession of the flat within 6 months from today.

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

The Complainant is directed to send the original copy of the affidavit to the Authority by speed post or by hand delivery and through e-mail a scan copy, within 3 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 therewith supporting documents, if any, and send the affidavit to this Authority by speed post or by hand delivery and also by e-mail, within 2 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.

Respondent is further directed to submit in his Written Response the

present status of the construction of the project and the flat, the remaining works to be completed before delivery of possession of the flat with all amenities as per the agreement for sale and also the revised schedule by which they will complete the remaining work within 6 months time period. He is directed to submit on affidavit the exact timeline within which they will hand over the flat to the Complainant.

Fix 27/5/21 for further hearing and order.

Sandip

Sandip

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority

Har Govind Singh
(HAR GOVIND SINGH)

Member

West Bengal Housing Industry
Regulatory Authority

Tapas Mukhopadhyay
(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry
Regulatory Authority