

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000042 of 2019

Tuhin Kumar Majumdar.....Complainant

AND

Suman Jana & Others. ....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 14-05-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. <b>COM-000042</b> dated <b>24/02/2019</b> at the WB Housing Industry Regulatory Authority from Complainant <b>Tuhin Kumar Majumdar</b> of <b>Sushiela Apartment, Flat no. 303, Block 5, Madhyamgram, Doharia, Sailesh nagar, Mujibur Raheman Road Post- Ganganagar, Dist- 24 Parganas North, W.B. 700132, North 24-Parganas, Barasat - II, Madhyamgram I.C., Pin-700132</b> and as per Rule 36 of the West Bengal Housing Industry Regulation Rules, 2018, NOTICE was issued for the alleged contravention and the Respondent and the Complainant were directed appear for hearing at the Office of the WB Housing Industry Regulatory Authority along with relevant documents, if any, on 19/03/19.</p> <p style="text-align: center;"><b>On 19/03/19</b>, both the parties appeared for hearing.</p> <p>During the hearing the Complainant stated that Rs. 10,00,800/-has been given by the Complainant and Rs. 5,70,000/- has been refunded by the Respondent since the Complainant wants their money to be refunded which had been paid to the Respondent for their booking of the Flat.</p> <p>During the hearing the Respondent sought further time to file their reply. Accordingly, the next date of hearing was fixed on 04.04.2019.</p> <p style="text-align: center;"><b>On 04/04/19</b>, both the parties put up hazira and appeared for hearing.</p>	



Dictated  
& corrected  
by me

The Complainant stated during the hearing that he wants to refund the money paid to the Respondent with interest and the Respondent submitted that the Respondent had communicated with the Complainant through email for resolving the issue, but did not receive co-operation from the Complainant. The Respondent further submitted that the Respondent is eager to make payment to the Complainant in installments. Accordingly, the next date of hearing was fixed on 02/05/2019.

**On 02/05/2019**, both the parties appeared for hearing and filed hazira. The Respondent prayed for time for refund the money to the Complainant. The next hearing was fixed on 14/05/2019.

**On 14/05/2019**, both the parties appeared and the Complainant stated that the Complainant wants to refund the money paid to the Respondent along with interest. The Respondent stated that he would refund money with instalments.

I have gone through the complaint, the documents submitted by both the parties and submissions made by the parties during the hearing.

It is fact that the Complainant has paid an amount of Rs. 10,00,800/- to the Respondent and the Respondent has already refunded Rs. 5,70,000/- to the Complainant as the Respondent has failed to comply with the terms and conditions as stipulated in the agreement for sale dated 30.07.2018. It is also a fact that the Respondent is ready to refund the money but on instalments.

Therefore, it is hereby ordered that the Respondent shall refund the amount due to be refunded to the Complainant along with interest from the date of payment @ interest which shall be State Bank of India Prime Lending Rate plus 2% per annum as per rule18 of the West Bengal Housing Industry Regulation Rules,2018 by two post dated cheques within 45 days.

The matter is disposed of accordingly.

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

  
Dictated  
& corrected  
by me

  
Designated Authority,

Housing Industry Regulatory Authority