

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000045 of 2019**

**Raji Rani Gupta.....Complainant**

**AND**

**Primarc Shraci Projects LLP.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
4 ----- 30-04-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. <b>COM-000045 dated 06/03/2019</b> at the WB Housing Industry Regulatory Authority from Complainant <b>Raji Rani Gupta of Flat No 2A, Mohan Tower 28 B, Chawl Patty, Beliaghata Kolkata-700010</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 as well as the Complainant were directed to appear for hearing at the Office of the WB Housing Industry Regulatory Authority on 19/03/2019.</p> <p><b>On 19/03/2019</b>, the complainant appeared but the respondent failed to appear in spite of proper notice. The complainant was directed to file the entire documents relating to the flat along with agreement for sale during the next date of hearing and the next date of hearing was fixed on 9/4/2019.</p> <p><b>On 09/04/2019</b>, both the parties appeared for hearing.</p> <p>The Respondent during the hearing has submitted that the agreement and the cancellation were done before the commencement of West Bengal Housing Industry Regulation Act, 2017. Hence, the instant case does not fall within the purview of this Authority.</p> <p>The Complainant during the hearing has submitted that she has paid Rs.2,09,000/- on 06/03/2017 and Rs.4,15,000/- on 20/06/2017 and the agreement was executed between the parties on 12/08/2017. The Complainant further submitted during the hearing that her father expired on 05/04/2017 and for this reason the Complainant was compelled to cancel the purchase of the flat.</p> <p>During the hearing the Respondent further stated that as per Clause 6.2(f), the Complainant was liable to pay 10% of the total consideration of the apartment as</p>	

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cancellation charge but the Respondent has not deducted 10% of the total consideration of the apartment, but only Rs.3,38,626/-.

However, the Respondent during the hearing has stated that they will look into the matter and take humanitarian approach towards this case for settlement of the matter. Accordingly, the next date of hearing was fixed on 30/04/2019.

**On 30.04.2019**, both the parties appeared and during the hearing the respondent further stated that the respondent is ready to refund another sum of Rs. 2,28,626/- to the complainant on humanitarian ground after deducting a sum of Rs. 1,00,000/- towards Service Charges and the respondent submitted a declaration to that effect during the hearing. Let the said declaration be kept on record.

The complainant also agreed to the proposal given by the respondent.

Accordingly, it is hereby ordered that the respondent shall refund the sum of Rs. 2,28,626/- to the complainant within a period of 45 days from the date of communication of this order.

The matter is disposed of.

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



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Designated Authority

Housing Industry Regulatory Authority

West Bengal