

**ORDER SHEET**


**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000085 of 2019

Amit Roy.....Complainant

AND

Riverbank Developer Pvt. Ltd.....Respondent

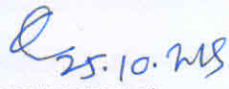
Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
3 ----- 25-10-2019  Dictated & corrected by me 	<p>Both the parties are present. Ld. Advocate of the Respondent filed written response on affidavit signed by Respondent.</p> <p>A copy of written response is handed over to the Complainant in course of hearing.</p> <p>It is noticed that there are some factual error in the order dated 24/09/2019. Possession of the flat as per sale agreement has been concluded in May,2018 as already recorded in the Authority order No.1 dated 09/09/2019 and therefore, last paragraphs of the order no.2 dated 24/09/2019 shall be modified as "Heard the Complainant. Later authorisation letter in the name of Shri Anirban Chatterjee is submitted. The possession of the property has already delivered. Now let the Respondent file written response on the complaint petition on affidavit."</p> <p>Other parts of the order remain unchanged.</p> <p>Heard both the parties in detail and examined the documents on record.</p> <p>Admittedly possession of the property as per sale agreement has been concluded prior to commencement of WBHIRA Act, 2017. However, it is also</p>	

admitted fact that deed of conveyance executed on 24<sup>th</sup> July, 2018 mentions right to park of 1(one) 4 wheeler No. H-101 as noted in the schedule of the deed which the Complainant has not yet been delivered formal possession of. Completion certificate of this project have been received by the promoter as claimed in the affidavit and date of such completion certificate is 10<sup>th</sup> January, 2018. Complainant disputed the fact of completion certificate, as claimed to be received, orally at the time of hearing.

Complainant on request by this Authority declined to proceed further on the complaint case by filing counter affidavit in view of the admitted fact that this Authority grant to issue any directions as contraventions of any provision of section 11, 14 or 18 are not prima facie established.

The complaint petition is thus disposed off with the direction on the Respondent to make over possession of car parking space as per deed of conveyance within 30 days of issue of this order. The Complainant is entitled to claim compensation for delay in possession along with interest in terms of agreement of sale. Respondent shall act as per provisions of sale agreement. In the event of non fulfilment of obligations by the Respondent Company, the Complainant is at liberty to approach appropriate legal forum as WBHIRA Act, 2017 has no retrospective ~~the~~ effect and thereby restrained to issue any directions therein in the instant case.

Let certified copy of this order be issued and furnished to both the parties.

  
(ONKAR SINGH MEENA)  
Designated Authority,  
Housing Industry Regulatory Authority,  
West Bengal.

Dictated  
& corrected  
by me

