

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000130

Ashish Saha.....Complainant

AND

Nestwood Estates Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
9 ----- 28.01.2021	<p>Complainant is present in the online hearing filing hazira through e-mail. Respondent is absent despite due service of the notice. Let the service return be kept on record. Heard the Complaint at length.</p> <p>Complainant submitted that till date he has not received any refund payment from the Respondent as per final order of the Authority dated 04.12.2019.</p> <p>The Complainant requested this Authority at the time of hearing to take appropriate action to recover the refund amount from the Respondent.</p> <p>After hearing the complainant and after taking into consideration the fact that the Respondent is deliberately violating successive orders of this Authority in execution proceedings, this Authority is of the considered view to send the matter to the District Collector, North-24-Parganas, as per Rule 27 of the West Bengal Housing Industry Regulation Rules, 2018, read with Section 40(1) of the West Bengal Housing Industry Regulation Act, 2017, for recovery of the refund amount due as arrears of land revenue as per the Provisions of the Bengal Public Demand Recovery Act, 1913 as the project is situated in the district North-24-Parganas.</p> <p>The Respondent also neglected to pay the penalty amount as ordered by this Authority in its order dated 6.1.2021. It is evident that the Respondent-promoter with intention of non-compliance of the orders passed by this Authority avoided and neglected this Authority.</p> <p>It is hereby ordered that, in order to realize the amount of refund as per this Authority's order dated 04.12.2019 and the penalty amount as per this</p>	

Authority's order dated 06.01.2021, this Authority in exercise of its power under Section 40(1) of the West Bengal Housing Industry Regulation Act, 2017, read with Rule 27 of the West Bengal Housing Industry Regulation Rules, 2018, send the matter to the District Collector, North 24-Parganas to recover the amount as per order dated 04.12.2019 and 06.01.2021 from the Respondent as certificate dues under the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3/1913) treating the said orders as order of land revenue.

Complainant is at liberty to pursue with the Office of the District Collector, North-24-Parganas, for recovery of the amount to be paid to him in terms of order dated 04.12.2019 and 06.01.2021 passed by this Authority.

The Secretary, WBHIRA Authority, shall communicate this order to District Collector, North-24-Parganas with the request for recovery of the amount as per order of this Authority dated 04.12.2019 and 06.01.2021 by initiating certificate case and report compliance.

The copy of this Authority's order and order dated 04.12.2019 and 06.01.2021 along with necessary documents shall be sent to the District Collector, North-24-Parganas to execute the order.

Complainant is allowed to send the copy of this order to the Respondent.

This execution case is to be listed in the month of June, 2021 for compliance of orders.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority



(HAR GOVIND SINGH)
Member

West Bengal Housing Industry
Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Housing Industry
Regulatory Authority