

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000129

Joydeep Roy.....Complainant

AND

Nestwood Estates Pvt. Ltd.....Respondent

<b>Sl. Number and date of order</b>	<b>Order and signature of Officer</b>	<b>Note of action taken on order</b>
6 ----- 28.01.2021	<p>Complainant is present on the online hearing filing hazira through e-mail.</p> <p>Respondent is absent despite due service of notice.</p> <p>Let the service return be kept on record.</p> <p>Heard the Complainant at length.</p> <p>Complainant submitted that till date, he has not received any refund payment from the Respondent as per order of this Authority dated 7.1.2020.</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 taking into consideration the fact that Respondent is deliberately violating successive orders of this Authority in Execution hearing, the 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 Bengal Public Demand Recovery Act, 1913.</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 neglected to carry out the order of the Authority with intention of non-compliance of the orders passed by this Authority.

Therefore, it is hereby ordered that for realization of the amount of refund as per this Authority's orders dated 7.1.2020 and the penalty amount as per this Authority's order dated 6.1.2021, this Authority, in exercise of its power under Section 40(1) of WBHIRA Act, 2017 read with Rule 27 WBHIRA Rules, 2018, send and refer this matter to the District Collector, North 24-Parganas to recover the amount as per order dated 7.1.2020 and 6.1.2021 from the Respondent as certificate dues as per the Provisions of the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3/1913) treating the said orders as order of land revenue.

Complainant is at liability to pursue with the District Collector, North-24-Parganas, for the recovery of the amount to be paid to him in terms of order dated 7.1.2020 passed by this Authority.

The Secretary, WBHIRA, shall communicate this order to the District Collector, North-24-Parganas with the request to initiate certificate case for recovery of the amount as per orders by this Authority dated 7.1.2020 and 6.1.2021 by initiating certificate case and report compliance.

The certified copy by this Authority's this order and order dated 7.1.2020 and 6.1.2021 along with necessary documents shall be sent to the District Collector, North-24-Parganas, to recover and to execute the order dated, 7.1.2020 and 6.1.2021.

Complainant is directed to send the copy of this order to the Respondent in all his addresses.

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

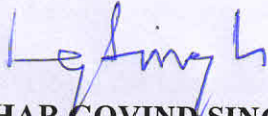
In the last order of the Authority in the first page of the order in place of the date '4.12.2019' it shall be read as '7.1.2020' and in the first page in place of '4.12.2019' it shall be read as '7.1.2020.' These are typographical mistakes and hereby corrected.



**(SANDIPAN MUKHERJEE)**

Chairperson

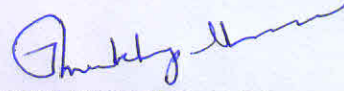
West Bengal Housing Industry Regulatory Authority



**(HAR GOVIND SINGH)**

Member

West Bengal Housing Industry  
Regulatory Authority



**(TAPAS MUKHOPADHYAY)**

Member

West Bengal Housing Industry  
Regulatory Authority