

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000620**

**Shyamal Kumar Das .....Complainant**

**AND**

**Bengal Shapoorji Housing Development Pvt. Ltd.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 08.02.2021	<p>Complainant is present in the online hearing filing hazira through email. Smt. Sanjukta Roy representing the Respondent is also present in the online hearing filing hazira through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that he booked a flat in the project “Shukhobrishti”, phase - 6, of the Respondent. Till date even after delay of 14 months no possession has been given and also the work in the project site has also been stopped by the Respondent.</p> <p>Complainant prays before the Authority for getting an exact deadline from the Respondent for delivery of possession of the flat ensuring completion and completeness in all respect with all amenities maintaining the quality of construction and an appropriate direction for compensation for delay in delivery of possession.</p> <p>Respondent prayed for sometime to file written response. Respondent submitted that as there is no clause for compensation in General Terms and Conditions (GTC), so they are not bound to pay the compensation for delay in delivery of possession.</p>	

After hearing both the parties, the Authority is satisfied that there exists prima facie sufficient ground to admit the matter for further hearing and order and, therefore, the matter is hereby admitted as per Rule 36(2) of the WBHIRA Rules, 2018.

Complainant is directed to submit on a notarized affidavit his total submission regarding this matter, annexing therewith a signed copy of the complaint petition and notary attested photocopies of supporting documents including copy of agreement for sell, allotment letter, all the money receipts etc and send the affidavit through speed post or by hand delivery to the Authority and also email a scan copy to the Authority, after serving a copy to the Respondent in the same manner, within two weeks from the date of receipt of this order by email.

Complainant is further directed to submit in his notarized affidavit to submit his response regarding statement of the Respondent that as there is no Clause in the General Terms and Conditions or in the Agreement for Sale for compensation for delay in delivery of possession, therefore, he is not bound to pay compensation for delay.

Respondent is directed to file written response to the complaint petition on a notarized affidavit and send it by speed post or by hand delivery to the Authority and also email a scan copy of the same to the Authority, after serving a copy to the Complainant in the same manner, within three weeks from the date of receipt of the affidavit of the Complainant. He is also directed to submit in the affidavit to an exact deadline for delivery of possession of the flat to the Complainant


Fix 11.05.2021 for further hearing and 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