

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000339

Bharat Lal AgarwalaComplainant

AND

**Matric Construction / Dharitri Infraventure
Private Limited Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
4 ----- 18.02.2021	<p>Shri Lalit Agargala, son of the Complainant, is present in the online hearing, as his authorized representative, by filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of notice.</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainant is that he booked a plot bearing no. D-29 in the project 'Royal Enclave' of the Respondent and paid Rs.25,000/- but discovered afterwards that no construction is going to be held on the plot. He has applied for refund of application money on 11.01.2018 but till date he has not received any refund from the Respondent.</p> <p>The Respondent submitted in their affidavit that they will settle the matter with the Complainant by mutual discussion and also made the proposal for alternative flat to the Complainant.</p> <p>But the Respondent did not take proper initiative for settlement of the matter with the Complainant.</p>	

The Complainant submitted an order of National Company Law Tribunal in Kolkata Bench dated 06.02.2020 in the matter of Ashoke Kumar Dasgupta -vs- Dharitri Infrastructure Pvt. Ltd. In the said order in para 2 the Respondent, i.e. Dharitri Infraventure Pvt. Ltd. has confirmed that the project named Royal Enclave belongs to them.

Also the Respondent did not take proper initiative to settle the matter and no proposal has been made from their side for any alternative flat as proposed by the Respondent in their affidavit and also at the time of hearing on 08.09.2020.

After taking into consideration the above facts and submission of the parties and the evidences, documents submitted by both the parties the Authority is of the considered view that the project Royal Enclave belongs to the Respondent Company and the Complainant booked a flat by application money of Rs.25,000/- in the said project. But no construction has taken place and the Complainant have applied for refund of money on 11.01.2018. The Respondent till date did not refund the money paid by the Complainant therefore he has made default as per the provisions of WBHIRA Act and Rules.

It is hereby ordered, that the Respondent shall make refund of the money of Rs.25,000/- along with interest at the rate of SBI PLR+2% for the period from the date of payment by the Complainant till the date of refund by the Respondent and the principal sum along with interest shall be transferred to the bank account of the Complainant by bank transfer within 45 days from the date of receipt of this order by email.

Complainant is directed to send his bank details to the Respondent in which the refund shall be made by a letter and also by an email within seven days from the date of receipt of this order by email.

With the above direction this matter is hereby disposed of.

Copy of this order shall be served to both the parties by speed post and also by email.



(SANDIPAN MUKHERJEE)

Chairperson

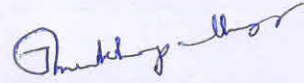
West Bengal Housing Industry Regulatory Authority



(HAR GOBIND SINGH)

Member

West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority