

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000130 of 2019

Ashish Saha.....Complainant

AND

M/s Nestwood Estates Pvt Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
4 ----- 13-11-2019 Dictated & corrected by me 	<p>The Complainant is present.</p> <p>Respondent is not present, though the notice along with complaint petition has been duly delivered as per postal slips.</p> <p>Heard the Complainant and recorded the evidence filed by the Complainant.</p> <p>This is the case of the Complainant that he booked one flat in the project Nestwood Maple, the project advertised by the Respondent Company by filing application No. 0757. The copy of the project brochure published by Respondent Company, Nestwood Estates Private Limited with address at Office Space No.306, 3rd Floor, PSXL-Block "A", Atghora, New Town, Salt Lake City, District-24 Paraganas (North), W.B-700 136, filed by the Complainant as evidence are recorded and kept on record.</p> <p>This is the case of the Complainant that on the basis of information published in the brochure he booked a flat of 2 BHK standard being Apartment No.-C3 on 3rd floor in Tower NO.T25 of area 856 sq ft and paid [Rs.3,26,507/- (Rupees three lakhs twenty-six thousand five hundred and seven only) out of the total consideration money of Rs.82,00,000/-(Rupees</p>	

eighty two lakhs)) as offered in the advertisement and agreed in the GTC and accepted by Respondent by money receipt dated 06/09/2014 amounting to Rs.2,37,540/- and money receipt dated 25/05/2015 amounting to Rs.88,967/- against Form No.0757.

Documentary evidence of money receipts are recorded and kept on record.

Respondent Company failed to participate in the hearing despite notice duly delivered by Post on the address as published in the advertisement and recorded in the complaint petition.

It is noticed that the Respondent Company has not yet delivered the possession of the flat as per schedule of the GTC, though it was assured that the property will be delivered for possession as per GTC. Payment of instalment linked to the progress of the construction has been realized from the Complainant and therefore, it prima facie appears that there are breaches on the part of the Respondent to fulfil the obligations of the GTC.

After examining the documentary evidences and the complaint petition at the time of hearing, this Authority prima facie satisfied to proceed further under Rule 36(2) of the WBHIRA Rules, 2018 and that the Respondent has to explain as to why appropriate orders as prayed in the complaint petition are not be issued by the Authority for contraventions of provisions under section 18 of WBHIRA Act, 2017.

Let notices be issued to both the parties for further hearing on 04/12/2019 and in the event of Respondent Company not appearing and participating in the hearing, this Authority will hear the matter and pass orders ex parte.

Fix 04/12/2019 for further hearing and orders.


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

Dictated
& corrected
by me

