

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000095 of 2019

Rahul Chakravarty.....Complainant

AND

Eden Group.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
3 ----- 13-11-2019	<p>Both the parties are present.</p> <p>Heard both the parties in detail.</p> <p>The Complainant got possession of the flat of 1180 square ft. super built up area as described in schedule of the sale agreement signed on 28/04/2016 between both the parties and the possession having been delivered, a deed of conveyance has also been executed. It is admitted fact that the possession of the property has been delivered as per sale agreement and there are no disputes as regards the payment of consideration money and obligations therein from both sides except the disputes regarding extra charges and deposits being claimed by the Respondent in terms of provisions noted at page 23 of sale agreement. Further the Complainant has also claimed that refund of the GST which is admissible to him on account of input credit to the promoter and downward revision of GST which has not been passed on to the Complainant as buyer.</p> <p>Further, the Complainant raised serious allegations against the Respondent Company allowing common area and amenities as provided in the schedule of the sale agreement being offered to buyers of neighbouring</p>	

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project of the Respondent Company.

After careful examination of the facts of the case and hearing both the parties it is hereby

Ordered,

That the Respondent shall refund admissible account of excess charges and deposits realized from the Complainant in relation to generator and transformer charges within two weeks from date of receipt of this order and also furnish break up of the actual charges on this account for formation of the Complainant. Further Respondent Company shall refund the GST as per admissibility and provide the break up of the GST actually realized from the Complainant after refunding the admissible excess GST or refundable input credit as admissible within two weeks from date of receipt of this order.

This is an ad interim order.

This matter will be heard after taking evidence on next date of hearing as regards allegations that common area and amenities are being offered to buyers of neighbouring project of the Respondent in breach of sale agreement as claimed by the Complainant. The prayer regarding payment of interest on refund will also be decided at the time of final hearing and orders.

Fix 10/01/2020 for final hearing and orders.

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

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