## ORDER SHEET

## WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

	Complaint No. COM-000146 of 2	
Kunal Kum	ar SenComplainan	ij
	AND	
Usashi Realstates	Pvt LtdResponden	ŧ

Sl. Number and date of order	Office and stonature of Office	Note of action Taken
1		on order
13-11-2019	The Complainant is present.	
	Respondent is not present though the notice along with complaint petition has been duly delivered as per postal slips.	
	Heard the Complainant and recorded the evidence filed by the Complainant.	
	This is the case of the Complainant that he and his wife booked two row houses in the project Usashi Prince Town Platinum, the project advertised by	
	the Respondent Company by filing application No.PTP0096/16 and No. PTP0097/2016 both in the name of Kunal Kumar Sen, the Complainant. The	
	copy of the project brochure published by Respondent Company, Usashi	
	Real Estate Private Limited with address as 81 Golaghata, VIP Road, Flat 18, Radhakunja Apartment near BIKA Banquet, Kolkata-700 048, filed by the	
Dictated corrected	Complainant as evidence are recorded and kept on record. The Complainant also filed copy of application containing General Terms and Conditions (GTC)	
by me	and receipt of money paid to the Respondent Company in terms of such	
a l	agreement of GTC amounting to Rs.17,61,000/- (Rupees seventeen lakhs sixty one thousand ) out of the total consideration amount of Rs.82,00,000/-	

(Rupees eighty two lakhs) as offered at the advertisement and agreed in the GTC. Let 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.

Dictated & corrected by me



It is noticed that the Respondent Company has not yet commenced the construction of the project though it was assured in the GTC that the property will be delivered for possession within 40 months which is ending in January, 2020. Payment of instalment linked to the progress of the construction has been realized from the Complainant as per GTC and therefore, it is prima facie proved 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 is prima facie satisfied to proceed further under Rule 36(2) of WBHIRA Rules, 2018 and that Respondent has to explain as to why the appropriate orders as prayed in the complaint petition are not 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.

(ONKAR SINGH MEENA)

Designated Authority,

Housing Industry Regulatory Authority,

West Bengal