

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000405**

**Anjan Kumar Mukherjee.....Complainant**

**AND**

**Tirushivam Realty Pvt. Ltd. .... Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 05.02.2021	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent despite due service of notice.</p> <p>Let the service return be kept on record.</p> <p>Heard the Compliant in detail.</p> <p>The case of the Complainant is that he booked a flat in the project named "Tiru Elysia" of the Respondent and accordingly a sale agreement was entered into between the parties on 23.03.2015 to purchase flat No. 12C with approx. 1433 sq. ft. area at 95, M.G. Road, Thakurpukur, Kolkata-700063. The Respondent failed to deliver possession of the flat by August, 2017 as specified in Part-III of the Third Schedule of the Sale Agreement. As per the Complainant, the Respondent failed to fulfill their contractual obligations and there is a breach of trust on the part of the Respondent.</p> <p>The Complainant prays before the Authority for the relief of earliest delivery of possession of the flat along with compensation for delay in delivery of possession at the rate of 18% p.a. over the period of their default</p>	

as per the Clause 10 of the sale agreement.


After hearing the Complainant, this Authority is pleased to admit this matter for further hearing as per Rule 36(2) of WBHIRA Rules, 2018 as the Authority is of the opinion that there exist sufficient grounds prima facie to proceed for further hearing.

The Complainant is directed to submit his total submission regarding this complaint petition on a notarized affidavit annexing therewith a signed copy of the complaint petition and notary attested photo copies of other supporting documents including Agreement for Sale, all money receipts, allotment letter etc and send it to the Authority by speed post or by hand delivery and also email a scan copy of the same, after serving a copy to the Respondent in the same way, within 3 weeks from the date of receipt of this order by email.

Respondent is directed to submit their Written Response on a notarized affidavit in respect to the complaint petition and send it to the Authority by speed post or by hand delivery and also email a scan copy of the same, after serving a copy to the Complainant in the same way, within 3 weeks from the date of receipt of the affidavit of the complainant.

Respondent is further directed to submit whether the said project is registered under the provisions of WBHIRA and if so mention the NPR No. and WBHIRA registration number.

Fix 20.04.2021 for further hearing and order.



(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