

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000410**

**Kunj Rajgaria.....Complainant**

**AND**

**Emami Infrastructure Limited ..... 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>Ld. Advocate Smt. Vedika Sureka is also present in the online hearing on behalf of the Respondent.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that he booked a flat measuring 1562 sq. ft. approximately being Flat No. D1-203, 2<sup>nd</sup> floor, Block – D1 in the project named “Emami City” of the Respondent at 2, Jessore Road, Kolkata-700028 in May 2019. The agreement for sub-lease was entered into between the parties on 28.08.2019. In the said agreement the Respondent promised to hand over the possession of the flat to the Complainant on or by 30.09.2019.</p> <p>As per the Complainant, The Respondent also denied his request for certain modifications in the possession handover letter since the same was completely one sided and contained some terms and conditions which amounts to restrictions to the commitments made by the Respondent in the</p>	

agreement for sale. The flat is still not ready for handover as observed in a joint inspection on 11.06.2020.

The Complainant prays before the Authority for the relief of directions on the Respondent to complete the works and rectify the defects and provide unconditional possession of the premises (including car parking and servant berth) to the Complainant without imposition of additional restrictive terms and to pay compensation for delay in handing over the possession of the flat as per Article 7.6 and 9.2 of the Agreement for sale for each month of delay upto actual date of hand over of possession.

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, allotment letter, all money receipts 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.

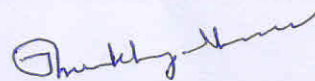
Fix 20.04.2021 for further hearing and order.



(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