

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000527

Srishti Paul MajumderComplainant

AND

Bengal Shapoorji Housing Development Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 08.02.2021	<p>Father of the Complainant, Shri Sarvadeva Paul Majumder, is present in the online hearing as authorized representative of the Complainant filing hazira and authorization through email.</p> <p>Ld. Advocate Smt. Sanjukta Roy representing the Respondent is also present in the online hearing filing hazira .</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that she was allotted a flat vide letter dated 09/06/2016 by the Respondent in the project named "Shukhobrishti (Phase-6) and in terms of the agreement for sale, the possession of the flat was to be handed over within 24 months therefrom i.e, within 09/06/2018. But the Respondent failed to deliver the possession of the flat as agreed between the parties in the agreement and the construction activities also are now stopped in the said project.</p> <p>Complainant also prayed for the exact deadline for delivery of possession, from the Respondent, on affidavit of the flat ensuring completion and completeness in all respect with all amenities maintaining quality of construction and appropriate direction for compensation since June, 2018 at the rate of Rs.9000/- per month.</p>	

Ld Advocate of the Respondent prayed for sometime to file written response. Respondent submitted that as there is no clause for compensation in general terms and condition so they are not bound to pay the compensation for delay in delivery of possession.

After hearing both the parties, the authority is satisfied that there exists prima facie sufficient ground to admit the matter for further hearing and order and, therefore, the matter is hereby admitted as per Rule 36(2) of the WBHIRA Rules, 2018.

Complainant is directed to submit on a notarized affidavit his total submission regarding this matter and a chart mentioning all details of his total payment annexing therewith a signed copy of the complaint petition and self attested photocopies of supporting documents including copy of agreement for sell, allotment letter, all the money receipts etc and send the affidavit through speed post or by hand delivery to the Authority and also email a scan copy to the Authority, after serving a copy to the Respondent in the same manner, within two weeks from the date of receipt of this order by email.

Complainant is further directed to submit in his notarized affidavit, his response regarding the statement of the Respondent that as there is no clause in the general terms and conditions or in the agreement for sale, for compensation for delay in delivery of possession, therefore, they are not bound to pay compensation for delay.

Respondent is directed to file written response to the complaint petition on a notarized affidavit and send it by speed post or by hand delivery to the Authority and also email a scan copy of the same to the Authority, after serving a copy to the Complainant in the same manner, within three weeks from the date of receipt of the affidavit of the Complainant.

Respondent is further directed to submit in their above mentioned affidavit, a firm timeline for handing over the possession of the flat to the Complainant ensuring completion and completeness in all respect and with all amenities as promised maintaining the quality of construction.

Fix 11/05/2021 for further hearing and orders.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority



(HAR GOVIND SINGH)

Member

West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority