

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000482

Probir Kumar DuttaComplainant

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
I ----- 08.02.2021	<p>Complainant Shri Probir Kumar Dutta is present in the online hearing filing hazira 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 he booked a flat in the project named “Shukhobrishti” (Phase-5) of the Respondent and as per general Terms and Condition (GTC), the flat was agreed to be handed over within 36 months from the date of allotment i.e, within 30/11/2018. Till date a sum of Rs.24,46,569/- (in total including parking space) has been paid by the Complainant in this regard. But the Respondent failed to deliver the possession as per the agreed date of delivery of possession.</p> <p>The Complainant prays before the Authority for relief of handing over the possession of the flat as soon as possible and compensation for delay in delivery of possession.</p> <p>Complainant also prayed for the exact deadline for delivery of possession from the Respondent on affidavit.</p> <p>Ld Advocate of the Respondent submitted that work will resume in the said project on and from April, 2021 and it has been duly informed to all by a circular in their website. She also prayed for sometime to file the Written</p>	

Response on Affidavit. Respondent also submitted that as there is no clause for compensation in General Terms and Conditions (GTC) so they are not bound to pay any 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 including total amounts paid regarding this matter annexing therewith a signed copy of the complaint petition and notary 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 in his notarized affidavit his response regarding 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 direct to mention in his affidavit a firm deadline for delivery of possession of the flat to the Complainant

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



(SÁNDIPAN 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