

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000625

Sunita JainComplainant

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>Son of the Complainant Shri Siddhant Jain is present in the online hearing as authorized representative of Complainant 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 she booked a flat in the project named "Shukhobrishti", (Phase-7), "Spriha"vide allotment letter dated 12/12/2016 and as per the allotment letter the delivery of possession was agreed to be held on June, 2020. Even after expiry of 42 months, till date, he has not received the possession of the flat.</p> <p>Complainant prays for the relief of earliest delivery of possession of the flat and also date/month month and year for delivery of possession of the flat, on a notarized affidavit, by the Respondent, in the form of undertaking. He also prayed for compensation for delay in delivery of possession as per law.</p> <p>Complainant prays before the Authority for getting an exact deadline from the Respondent for delivery of possession of the flat ensuring completion and completeness in all respect with all amenities maintaining the quality of construction and an appropriate direction for compensation for</p>	

delay in delivery of possession.

Ld Advocate of the Respondent prayed for sometime to file written response. She also submitted that as there is no clause for compensation in general terms and condition (GTC) 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.

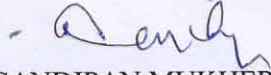
Complainant is directed to submit on a notarized affidavit his total submission regarding this matter annexing therewith a signed copy of the complaint petition and notary attested photocopies of supporting documents including copy of agreement for sell, allotment letter, all the money receipts etc and 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 the statement of the Respondent that as there is no clause in the general terms and conditions or in the agreement for sale, as the case may be, 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 his affidavit a firm deadline for delivery of possession of the flat

Fix 07/05/2021 for further hearing and orders.



(SANDIPAN MUKHERJEE)

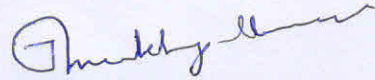
Chairperson

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