

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000205 of 2019

Anurag Shaw.....Complainant

AND

ASPS Developers LLP.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 20-01-2020 Dictated & corrected by me 	<p>Complainant is present, filing hazira.</p> <p>Respondent is represented by Authorised signatory Mr. Rabi Joshi and Shankhadip Basu authorised, filing hazira.</p> <p>Heard the parties.</p> <p>This is the case of the Complainant that he has made full payment of demands in instalments in terms of sale agreement signed between the parties on 12/06/2017 for the purchase of flat no. 10-H in tower-1 measuring 982 sq fit super built up area (865 sq ft carpet area) on consideration of Rs.1,04,31580/- linked to physical construction progress but Respondent is not allowing him to verify the progress of the construction which is required to ascertain achievement of milestones in commensurate with demand of payment raised by the Respondent company.</p> <p>Respondent filed written response stating that construction completion date for this project is 10/04/2021 and that the project is registered under HIRA with registration no. HIRA/P/KOL/2018/000050. Respondent expressed difficulties in organising visit at the time of construction works going on at the flat and also pleaded that any such visit without lift being installed at present is risky. Respondent further submitted that Complainant was requested to make cite visit on 12/01/2020 but visit could not be materialised as the Complainant did not respond to email and claimed that</p>	

demand for payment has been issued in terms of the sale agreement. There is no pending demand against the allottees at present.

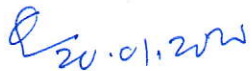
Considered arguments of parties.

After examining the records and considering the submission of both the parties, I am of the considered opinion that the allottees should be allowed the reasonable opportunity to visit the site to satisfy himself as regards progress of the construction and quality of such work as per specifications agreed between the parties. This is also noted that there might be practical difficulty in organising such inspection by the allottees in general as the construction work is going on at present. However, I am of the considered view that physical progress of the construction pertaining to flat of the allottees be shared with the allottees and they should be allowed to verify the same on site visit which is to be organized by the Respondent on 24/01/2020 at 12.00 noon as mutually agreed between the parties at the time of hearing today.

Complainant is granted liberty to file a report on the physical status serving copy to Respondent within two weeks from today.

Let it be noted that Respondent shall upload the physical status of the project on website of WBHIRA in terms of section 11(1) of WBHIRA Act, 2017 and also upload the photographs of such physical progress so that any of the allottees can download the physical progress and verify the same to the photographs so that such kind of disputes between promoter and allottees does not arise. Disclosure of project details and progress improves trust and helps both parties.

Let this matter be fixed for further hearing and orders on 10/02/2020.



(ONKAR SINGH MEENA)
Designated Authority,
Housing Industry Regulatory Authority,
West Bengal.

Dictated
& corrected
by me

