

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000430

Abhijit SahaComplainant

AND

Ideal Real Estates Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 06.01.2021	<p>Complainant is present in the online hearing filing hazira through email. Authorised representative of the Respondent Shri Anuj Tulsyan is present on behalf of the Respondent filing hazira and authorization through email.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that he booked an apartment bearing No. Flat 3B, block Barbet and parking space B-136 in the project named "Ideal Aqua View" of the Respondent Company and agreement for sale was executed on 15/05/2014 and he was supposed to receive possession of the flat by December, 2017 but till after one year of grace period he had not received the possession of the said flat. He has paid 90% of the consideration amount by 2017. He has executed his right of cancellation on 15/03/2019 as per clause 12.3 of the agreement for sale and requested the Respondent to cancel the booking of the said apartment and refund the total amount paid by him along with 12% interest calculating from the date of payment of each installment within till the date of refund. But till to date he has not received any response from the Respondent. He prayed before the Authority for the relief of the refund of the amount paid by him with interest as mentioned above.</p> <p>The Respondent submitted that he has already sent a proposal for refund of the amount paid by the Complainant in installments specifying the date</p>	

and amount of refund and send the email to the Authority as well as to the Complainant yesterday.

Complainant submitted that he has received the email and he will examine the proposal of the Respondent and he needs sometime for it.

After hearing both the parties, 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 exists sufficient ground prima facie to proceed for further hearing.

Both the parties are at liberty to mutually discuss and try to arrive at a consensus regarding the matter of payment of the installment and if they arrive at mutual settlement, they will submit before the Authority by a joint affidavit stating therein the schedule of payment of the installment of refund by Respondent to the Complainant.

Fix 05/03/2021 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