

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000130

Ashish SahaComplainant

AND

Nestwood Estates Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
12 ----- 06.01.2021	<p>Complainant is present in the online hearing filing hazira through email. Respondent is absent despite due service of notice. Heard the Complainant at length.</p> <p>Complainant submitted that till date he did not receive any refund as per order of this Authority dated 04/12/2019. He also submitted that he has sent a letter to the Authority as well as to the Respondent for necessary correction of the refund amount to be paid by the Respondent as stated in the order of this Authority dated 04/12/2019. He has received Rs.50,000/- as refund from the Respondent before filing of the complaint petition which he has duly stated in his complaint petition but in the final order that matter was overlooked somehow and order was passed in respect of Rs.3,26,516/-. But actually the balance amount should be Rs.276516/- (Rs.326516-Rs.50,000/-). He requested this Authority to make necessary correction of the final order dated 04/12/2019. The Complainant also requested to take necessary measures as per law against the Respondent so that he can get the refund amount at the earliest.</p> <p>After hearing the Complainant, the Authority is satisfied to the effect that the Respondent is intentionally violating the order of this Authority dated 04/12/2019 and also neglecting to appear for hearing. Therefore, this Authority is of the opinion to take action as per section 63 of the WBHIRA,</p>	

Act, 2017 and impose penalty upon the Respondent for non compliance of the order dated 04/12/2019.

It is hereby

Ordered,

the principal amount to be refunded by the Respondent in the order dated 04/12/2019 is hereby corrected as per the submission of the Complainant and corrected amount shall be Rs.276516/-.

The Respondent shall be liable to pay penalty @ Rs.150/- (one hundred and fifty) for every day of default starting from the date of default that is from the expiry of 45 days from the date of order dated 04/12/2019 till the payment of the total amount of refund. The penalty amount shall be paid by bank transfer in the account no.37809721103 of the State Bank of India with IFSC Code-SBIN0014524 in the name of HOUSING INDUSTRY REGULATORY AUTHORITY FUND.

Respondent is further directed to make the total refund i.e, Rs.2,76,516/- along with interest as per order dated 04/12/2019 and also the penalty amount as mentioned above within 15 days from the date of receipt of this order by email.

If the Respondent fails to make the payment as stated above further punitive action shall be taken against him as per the provisions of WBHIRA Act, 2017.

Fix 28/01/2021 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