

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000315 of 2020

Ketan Shantilal Madia.....Complainant

AND

Tirushivam Realty Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 14-08-2020	<p>Complainant is present in the online hearing and filed hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of notice. Let the service return be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>The case of the complainant is that he booked in May,2014 a flat in the Tiru Elysia project of the Respondent company.</p> <p>As per the Complainant, he has made a total payment of around Rs 34 lakhs to the Respondent in this regard.</p> <p>As per the Agreement executed between the parties, the delivery of possession was required to be made by the Respondent within February,2018 including the grace period but the Respondent failed to make the delivery of possession till date.</p>	

It is claimed by the Complainant that progress of the project is not at all according to the assurance and the timeline as agreed between the parties.

Therefore, the Complainant prays order for refund of entire payment alongwith interest and damages/compensation as per the Agreement for Sell executed between the parties.

After hearing the Complainant, this Authority is satisfied to proceed for further hearing in terms of Rule 36(2)(e) of WBHIRA Rules, 2018 and accordingly Complainant is directed to send a copy of the signed Complaint petition and self attested photo copies of supporting documents e.g Advertisement of the project, brochure of the project, allotment letter, General Terms and Conditions, Agreement for Sell, all money receipts, correspondences between the parties and any other related documents which he has in his possession, to the Authority by speed post and also via email with copy of the same to the Respondent in the same way, within two weeks from the date of receipt of this order via email.

Complainant is also directed that if he wants to introduce some new fact ,he has to submit a supplementary affidavit containing the new fact stating also thereto when and how he has discovered the new fact, with a copy to the Respondent.

The Respondent is directed to submit Written Response to the Complaint Petition on Affidavit containing the Refund Schedule with Specific Dates and Amount of refund by speed post and also by email to this Authority and send a copy of the same to the Complainant in the same way, within three weeks from the date of receipt of this order via email.

Fix 23/09/2020 for further hearing and orders in this matter.

Sd/-
(HAR GOBIND SINGH)
Member

West Bengal Housing Industry Regulatory Authority

Sd/-
(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Housing Industry Regulatory Authority

certified to be true copy.

Soma De

SOMA DE, WBSL
Special Law Officer
Housing Industry Regulatory Authority
West Bengal