## ORDER SHEET

## WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No.COM-000096

Arpana Dutt......Complainant

AND

Amitava Samanta.....Respondent

| Sl. Number  | Order and signature of Officer  | Note of |
|-------------|---|---------|
| and date of |   | action  |
| order       |   | Taken   |
|             |   | on orde |
| 4           | Both the parties are present filing hazira.                                   |         |
| 06-02-2020  |   |         |
|             | Respondent failed to comply the order of the Authority and failed to make     |         |
|             | payment as agreed by him on affidavit, to be paid in the month of December    |         |
|             | 2019 and January, 2020.   |         |
|             | It is submitted by complainant thatamount which was assured to be refunded    |         |
|             | in the month of December, 2019 and January, 2020 is Rs.11 lakhs and next      | -       |
|             | instalment of Rs.5 lakhs is due to be paid by 10/02/2020. Therefore a sum of  |         |
|             | Rs.16 lakhs is to be paid by 10/02/2020 and balance remaining amount in       |         |
|             | terms of order of this Authority is required to be paid within March, 2020 in |         |
|             | addition to admissible interest.  |         |
|             |   |         |
|             | A prayer u/s38 of WBHIRA Act, 2017 has been filed on behalf of the            |         |
|             | Complainant seeking orders imposing penalty upon the Respondent for non       |         |
|             | compliance of orders of this Authority.                                       |         |
| & corrected |   |         |
| by me       | Considered the prayer made by the Complainant.                                |         |
|             |   |         |
|             | This is unfortunate and matter of great anguish that Respondent failed to     |         |
|             | refund payment even after filing assurances on affidavit relying upon which   |         |
|             | this Authority allowed refund of amount within March 2020 as per              |         |

convenience and consent of the Respondent. There are reasons to believe that the Respondent has no intentions to fulfil his assurance citing untenable grounds and reasoning which can't be accepted. Conduct of respondent makes him liable to face penalties.

Accordingly the prayer for imposition of penalty is accepted.

Dictated & corrected by me



Respondent is directed to makepayment of all amounts falling due as on 10/02/2020 before next date of hearing and file compliance. This Authority will decide on prayer filed by the Complainant today for imposition of the penalty on the next date of hearing after taking into account the compliance of this order by respondent and appropriate orders will be issued in the event of non-compliance of orders of this Authority.

Fix 26/02/2020 for compliance report and orders on prayer of the Complainant filed under section 38 of the Act.

Copy of prayer filed by the Complainant should also be served along with notice for hearing to be issued by Secretary, WBHIRA Authority.

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