

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000156**

**Pallabprity Mondal.....Complainant**

**AND**

**Girik Realty Pvt. Ltd.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
4 ----- 24-02-2020	<p>Complainant is present filing hazira.</p> <p>Respondent is not present though notice has been duly delivered as per postal slips.</p> <p>Let service of notice be kept on record.</p> <p>1. It is reported by Complainant that a sum of Rs.2 lakhs has only been refunded by the Respondent which is duly credited in his account. Order of this Authority dated 20/01/2020 is complied partly by such refund but a sum of Rs.1.90 lakhs is still due to be refunded to the Complainant.</p> <p>Complainant stated that Respondent sent an email communication opposing to refund the balance amount by post dated cheques within further extended period of 30 to 45 days and also request the Complainant to return back all documents related to allotment like payment receipts, sale agreement, sanction plan etc in order to terminate the allotment with the Complainant. This Authority could not verify the claims made by the Complainant as the Respondent failed to participate in the hearing today and there has been no report submitted by Respondent as required in this Authority order dated 20/01/2020 on amicable settlement and dispute by conclusion of point of Rs.3.90 lakhs.</p> <p>2. It is surprising to know that on last hearing the Respondent agreed to</p>	

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refund entire amount of Rs.3.90 lakhs within 30 days i.e, within 20/02/2020 and only on such submissions of the Respondent this Authority allowed time to Respondent to file amicable settlement and report regarding payment made to the complainant in terms of such submissions.

2. Heard the Complainant in details and examined the records. This Authority decides to dispose this complaint petition with the following final orders.

Ordered,

That the Respondent shall refund the balance amount of Rs.1.90 lakhs within 15 days of date of receipt of this order. Further, the Complainant is directed to complete the formalities of cancellation of allotment/booking and cooperate with the Respondent for cancellation within two weeks from the date of receipt of this order and subject to receipt of balance amount from the Respondent..

Be it noted that a time period of only 15 days has been allowed for refund of balance amount taking into account requirement of Rule 19 of WBHIRA Rules 2018 which provides a timeline of 45 days and accordingly due date of payment in this case will be counted from 20/01/2020.

Respondent shall pay interest at the rate of SBI PLR+2% on any outstanding amount beyond period of 45 days counted from 20/01/2020 in terms of Rule 18 of WBHIRA Rule, 2018.

This Authority is passing this order ex parte noting the fact that Respondent was given opportunity to file written objection and written statement on the complaint petition and the Respondent was duly represented on 20/01/2020 and submitted orally the intentions to refund the amount of Rs.3.90 lakhs on cancellation and thereby there are no issues which are disputed by the Respondent.

Thus, the complaint petition is disposed off on contest with the above final orders.

Later :- One Mr. Raja Sarkar appeared at 11.30 a.m after conclusion of the hearing filing hazira. It is submitted that the balance amount will be paid to the Complainant and accordingly a copy of cheque is shown at the time when




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Complainant already left and not present at the time when such person appears before the Authority. There is no written submission filing documents on behalf of the Respondent even today. Appearance on behalf of the Respondent is noted.

Final orders as above be communicated to the parties. Complaint petition is disposed off.



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