

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000192

Partha Sarathi Dutta.....Complainant

AND

Swanhousing & Infra Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 ----- 24-02-2020	<p>Both the parties are present filing hazira.</p> <ol style="list-style-type: none">1. Authority order dated 16/01/2020 the provisions of WBHIRA Act, 2017 have been mentioned wrongly, it should be section 14(3) of WBHIRA Act, 2017 in place of 14(5) which is recorded by mistake on page 2 of the order.2. The possession of property is delivered on 24/01/2020 in pursuance of this Authority order dated 16/01/2020.3. The Complainant sought permission to file supplementary to complaint petition objecting the written submission of the Respondent, inter alia, submitting arguments on points of disagreement on draft deed of conveyance supplied by Respondent and cost of litigation. Examined the original petition and noted that these prayers are already part of the original complaint petition and there is no need to file supplementary to complaint petition on the prayers for which the Complainant will get an opportunity to adduce evidence and arguments on facts and points of law. Accordingly, such prayer is not allowed.4. This Authority is of the considered view that the substantial point of relief of this complaint petition is already settled by completion of	

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delivery of possession of the property in terms of the sale agreement and only points which are required to be decided are :-

- i) Whether the draft deed of conveyance supplied by the Respondent is in confirmative with the sale agreement read with provisions of WBHIRA Act, 2017, without curtailing rights of the parties or adding additional/obligations therein ?
 - ii) Whether the Complainant is entitled to claim litigation cost as prayed for in the complaint petition ?
5. Heard the parties on the issues, partly.

This not possible to go through each and every para of draft deed of conveyance, which is bulky and voluminous document and parties have their own versions being argued to be in confirmative to the covenants and provisions of the law. Let parties list the deviations in deed of conveyance in terms of sale agreement of WBHIRA Act, 2017 in the form of comparative chart and file the same duly verified on affidavit by the parties that the points with verification as noted are not beyond the scope of the sale agreement read with provisions of WBHIRA Act, 2017 and Rules therein. Let such chart be filed by authorised signatory of the Company and Complainant separately before next date of hearing.

Be it noted that this Authority will decide the admissibility of such draft in terms of covenants between the parties read with provisions of law after recording the evidence on merits.

Fix for further hearing and orders on 23/03/2020.



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