

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No.COM-000218

Kishor Jain.....Complainant

AND

Nestwood Estates Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 22-01-2020 Dictated & corrected by me 	<p>Complaint case COM-000210 and COM-000218 are taken together as bothpetitioners are home buyers in the same project namely Nestwood Maple and filed complaint petitions against the same Respondent for similar cause of action.</p> <p>Complainants are present, each one of them filing hazira.</p> <p>Heard the Complainants.</p> <p>The Complainants filed additional documents duly verified, which are taken on record.</p> <p>Examined the complaint petitions and supporting documents including receipt of the payments made to the Respondent company.</p> <p>This is the case of the Complainants that each one of them booked flats in the project Nestwood Maple advertised by Respondent Company in the year 2014 and paid booking amount on the promise that the construction of the project will commence in October, 2014 and delivery of possession was assured within 2019. It is alleged by complainants that no construction commencement took place within agreed timeline and no delivery of possession of the flat concluded for the failure of respondent in fulfilment of his commitments.</p> <p>Complainant Smt. Prantika Chowdhury paid Rs363247/- duly acknowledged by the Respondent Company for booking of 2 BHK flat</p>	

measuring 978 sq ft built up area on payment of consideration amount of Rs.1931550/- but compelled to seek refund of entire amount from the Respondent Company as the project could not be started as assured in the general terms and conditions of allotment and application brochure.

Mr. Kishore Jain, Complainant in Complaint case No. COM-000218 paid Rs.201106/- and booked one 2 BHK flat measuring 676 sq ft. flat no.D3 on 3rd floor in tower no.T-42 in 2014 with the similar assurance that the delivery of possession will be completed within 2019. No possession has been offered as respondent failed in fulfilment of commitments.

This Authority is prima facie satisfied to proceed further under Rule 36(2) of WBHRA Rule, 2018.

Issue notices to the Respondent Company to file written response on affidavit within two weeks from date of communication of this notice, serving a copy to the Complainant.

Fix these cases for further hearing and orders on 24/02/2020.


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

Dictated
& corrected
by me

