## ORDER SHEET

## WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No.COM-000222

Saurav Chaturvedi......Complainant

AND

Ideal Real Estates Pvt. Ltd......Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1		Gar Great
Dictated & corrected by me	Complainant is present filing hazira.	
	Respondent is not present though notice has been duly delivered as per	
	postal slips. Let the service return be kept on record.	
	A prayer from respondent has been sent to Secretary WBHIRA seeking time	
	to file written response, though none appeared today at the time of hearing.	
	Such prayer not filed properly, before this Authority and thus not allowed to	
	be taken on record.	
	Heard the Complainant,	
	This is the case of the Complainant that he entered into an agreement with	
	the Respondent Company on 07/11/2014 for the purchase of a flat measuring	
	1102 sq ft built up areaat 2-D on 2 <sup>nd</sup> floor in the project Flamingo, booked	
	along with one car parking space, on payment of consideration amount of	
	Rs.6725981/- including service tax in terms of details of payment schedule as	
	stated on page 40 of sale agreement. Respondent agreed to give possession	
	within December 2017 with extended date of possession in December, 2018	
	as mentioned at clause 9.6.2 of sale agreement.	
	The Complainant has claimed that he has paid amount of Rs.5859725/-	
	which is more than 90% of total consideration amount duly received by	
	Respondent Company and there are no breaches on the part of the	
	Complainant in making payments in terms of his obligations in the sale	

agreement.

Complainant filed the copies of money receipts in support of claims, which are taken on record.

Heard the complainant and examined documents.

Prima facie this Authority is satisfied to proceed further under Rule 36(2) of WBHIRA Rule, 2018 as respondent company couldn't complete delivery of physical possession of the property as per obligations of sale agreement and complainant prayed for refund of entire amount along with interest @ 12% per annum on the grounds of breaches on the part of respondent by not fulfilling his obligations to deliver possession even within extended date of possession. Complainant is not inclined to continue with the allotment and accept possession of flat beyond the agreement delivery date of possession in exercise of his option available in sale agreement in the event of breaches of respondent.

Accordingly, Issue notices to the Respondent to submit written response on affidavit covering allegations in complaint petition within one week of receipt of this order.

Fix this matter for further hearing and orders on 10/02/2020.

(ONKAR SINGH MEENA) Designated Authority,

Housing Industry Regulatory Authority,

West Bengal.

Dictated & corrected by me

