

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000 381

Rajajay Bhowmick.....Complainant

AND

Jayanta RouthRespondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 01.12.2020	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Director of the Respondent company, Shri Anil Kedia is also present in the hearing filing hazira through email.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that he booked a property in the Project named Harbour Greens of the Respondent Company namely Akilene Merchandise Pvt. Ltd. on November, 2014 and it was agreed between the parties that a single storied Villa would be handed over to the Complainant by 3-1/2 years from the date of booking i.e. within May 2018. But till date the property has not been constructed and handed over to the Complainant. In the meantime, the plot has been changed and the changed plot has been registered, mutated and converted. The Complainant paid Rs.6,37,000/- to the Company till date in this regard. Complainant prays for the relief of refund of the entire amount paid to the Respondent company along with interest as there is inordinate delay on the part of the Respondent.</p> <p>Director of the Respondent submitted that the changed plot has already been converted and registered in the name of the Complainant and plan has</p>	

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been sanctioned in the year 2019 for construction of single storied villa but as the Complainant failed to pay according to the construction linked payment plan. Therefore no construction has been taken place in the said plot.

The Complainant submitted that the Respondent did not communicate him regarding the matter of sanctioning of the plan and made any demand for the payment for the construction.

After hearing both the parties, the Authority is satisfied to admit the matter and proceed for further hearing as per Rule 36 sub Rule (2) of the West Bengal Housing Industry Regulation Rules, 2018 and the Complainant is directed to submit on a notarized affidavit his total submission regarding this case annexing therewith self attested photocopies of the supporting documents and a signed copy of the complaint petition and send it to the Authority by speed post and also by email a scan copy of the same within 2 weeks from the date of receipt of this order by email, after serving a copy to the Respondent in the same way.

The Respondent is directed to submit Written Response on notarized affidavit to the complaint petition annexing therewith self attested photocopies of supporting documents and send it to the Authority by speed post or by hand delivery and email a scan copy of the same within 2 weeks from the date of receipt of the affidavit of the Complainant, after serving a copy of the Written Response to the Complainant.

Fix 23.02.2021 for further hearing and order.

sd/-

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority

sd/-

(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority

certified to be true copy.
sd/-