ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000251

Aditi Bhattacharjee......Complainant

AND

Rudradeb Ghosh alias Pintu Ghosh.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on orde
1		
Dictated & corrected by me	Complainant is present filing hazira.	
	Respondent is not present though the notice has been served upon him as	
	per postal slips.	
	Heard the Complainant.	
	1. This is the case of the Complainant that an agreement for sale was	
	signed between the parties on 29/06/2014 for the purchase of a flat	
	measuring 520 sq ft super built up area on 1st floor of the building	
	"Bimal Basanta Apartment" at 12 Atal Behari Sarkar Road, Naihati	
	being developed by the Respondent as promoter. Complainant signed	
	deed of conveyance on 16/08/2018 in pursuance to the sale agreement	
	which mentioned the receipts of Rs.7 lakhs consideration money by	
	the said developer (promoter) and the property was assured to be	
	completed on 15/09/2018 as per convenant on page no.6 of such	
	conveyance deed duly registered with ADSR, Naihati on 27/08/2018.	
	2. This is alleged by the Complainant that despite making payment of	
	Rs.7,50,000/-, Rs.50,000/- paid by cheque in addition to Rs.7 lakhs already	
	paid as mentioned in the deed of conveyance, the developer/promoter failed to	
	deliver physical possession of the property. This is submitted that all works	
	of the flat are completed but Respondents are not delivering possession to	
	Complainant without assigning any reasons.	

3. Examined the complaint petition and documents.

4. According to deed of conveyance the Respondent as promoter of the project along with land owner, signatory of deed of conveyance, are bound to hand over physical possession of the property to the Complainant as the Complainant has fulfilled all obligations and is entitled to take physical possession of the property. This is noted that the said developer being proprietor of "Ghosh Construction" is also holding the power of attorney of the land owners namely Shri Prabir Das and Smt. Minakshi Das and therefore, the said promoter is bound to fulfil the obligations of the agreement between the parties.

Dictated & corrected by me



- 5. This Authority is satisfied to proceed further in terms of Rule 36(2) of WBHIRA Rule, 2018.
- 6. Issue notice to the Respondent along with land owners who are parties to the agreement and allowed to be added in this complaint petition, serving a copy of complaint petition.
- 7. Respondents are directed to submit written response within two weeks of receipt of this order. In the event of Respondents not participating in the hearing this Authority will proceed further ex parte without any further communication to the parties.

To 12/03/2020 for further hearing and orders.

(ONKAR SINGH MEENA) Designated Authority,

Housing Industry Regulatory Authority, West Bengal.