

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000232

Chandan Mukherjee.....Complainant

AND

Smt. Nandita Roy & Shri Debasish Roy.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
<p style="text-align: center;">1 ----- 10-02-2020</p> <p>Dictated &amp; corrected by me</p> 	<p>Complainant is present filing hazira.</p> <p>Respondent is represented by Ms Soma Dey Ld. Advocate filed a vakalatnama.</p> <p>This case was not listed today, but due to some mistake on the part of WBHIRA Office notices were issued to the parties, though such notice contains errors and different case no. has been mentioned in the notice. However, for the convenience of parties who are present today, this matter is permitted to be taken up on the list today with the consent of parties.</p> <p>1. This is the case of the Complainant that a sum of Rs.11,96,965/- was paid to the Respondent in pursuance to sale agreement between the parties on 24/07/2013 for the purchase of two developed plots of 5 katha each, which were agreed to be delivered possession within 2016 but Respondent could not offer the possession till date. This is submitted by the Complainant that on his request Respondent has refunded Rs.6,75,000/- and the balance amount is yet to be refunded by the Respondent, though Complainant approached the Respondent on several occasions. Admittedly, the parties agreed for cancellation and refund.</p> <p>2. Ld. Advocate representing the Respondent while admitting the fact of</p>	

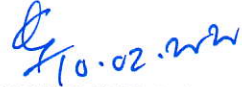
Dictated  
& corrected  
by me



the sale agreement and the fact that developed land plots could not be handed over, sought time to submit written response on the prayers of the Complainant.

3. Considered.
4. Prima facie this Authority is satisfied to proceed further in terms of Rule 36(2) of WBHIRA Rule, 2018 and allowed Respondent to file written response of the complaint petition within two weeks from the date of receipt of the communication.
5. As the entitlement of claimant to get refund of the amount is not entirely disputed by the Respondent, it is appropriate that Respondent consider to refund the part of balance principal amount as admissible before next date of hearing by bank transfer in account of Complainant.
6. This Authority will decide on interest and compensation as may be admissible in this case after hearing the parties on next date of hearing.

Fix this matter on 18/03/2020 for further hearing and orders.



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