

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000043 of 2019

Subrata Mondal.....Complainant

AND

Sachin Bhadra.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
<p style="text-align: center;">6</p> <hr/> <p>23-09-2019</p> <p>Sd/- Dictated & corrected by me</p>	<p>Complainant is present. Ld. Advocate is present on behalf of the Respondent.</p> <p>The written objection filed by Respondent is kept on record.</p> <p>The Complainant submitted that the builder is under obligation to provide the common amenities and as per sanction building plan. It is also submitted by Complainant that occupancy certificate/completion certificate which are required to form Apartment Owners' Association have not been provided to the Complainant by the builder.</p> <p>Heard both the parties in details.</p> <p>This complaint is not maintainable under WBHIRA Act, 2017 as rightly argued by Ld Advocate of the Respondent as possession of the property in terms of sale agreement was concluded prior to enactment of the WBHIRA Act, 2017. The Complainant could not point out any breach or non fulfilment of obligations of the sale agreement which require adjudication.</p> <p>This WBHIRA Authority observes that the Complainant and other occupants of the project are entitled to form Apartment Owners' Association</p>	

by filing application to competent authority under West Bengal Apartment Ownership Act, 1972 and the documents which are required to get such registration needs to be made available to the occupants. However, this is beyond the authority and purview of WBHIRA Act, 2017, in the present case.

In view of the reasons stated above, the complaint is dismissed.

Let the copy of this order be served to both the parties.

Sd/-
Dictated
& corrected
by me

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