

**ORDER SHEET**


**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000033 of 2019**

**Tarun Samtani.....Complainant**

**AND**

**M/s Soumita Construction Pvt. Ltd.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 ----- 04-12-2019  Dictated & corrected by me 	<p>The Complainant is present filing hazira.</p> <p>The Respondent is represented by authorised employee of Respondent Company, Mr. Pinaki Biswas along with Ld. Advocate Masooma Khanam.</p> <p>The final order issued by this Authority on 14/05/2019 is not yet complied by the Respondent.</p> <p>The prayer for modification of the order has been filed today on behalf of the Respondent, serving copy to the Complainant at the time of hearing.</p> <p>I have gone through the prayer and noticed that there has been no mention of any timeline or assurance for refund of the amount in compliance to the Authority order on previous date and the prayer only stated the facts of the case which are already recorded in the order and sought modification as regards payment of interest at the rate of prevailing SBI prime landing rate + 2% per anum in terms of Rule 18 of the WBHIRA Rule, 2018. Admittedly, the Authority order also stated that interest will be paid at the rate of 2% per month compounding monthly, additionally. According to Respondent the said order of the Authority require modification as interest at the rate of 2% per month compounded is not admissible in terms of the sale agreement entered between both the parties.</p> <p>The prayer for modification is taken on record.</p> <p>Heard both the parties in detail.</p> <p>Authorised representative of the Respondent and Ld. Advocate of Respondent offered to refund the amount as per Authority order and prayed for modification of the order to the extent that interest rate shall be paid as per WBHIRA Rule, 2018. The prayer for modification of the order as regards rate of interest will be taken up for hearing and orders on next date of hearing</p>	

after getting objection of the Complainant.

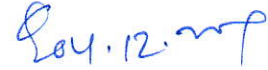
Let Complainant file written objection on the modification prayer within one week serving a copy to the Respondent.

The Complainant pleaded to direct the Respondent Company to comply the orders of the Authority and make refund without any further delay.

After examining the facts of the case and submissions made by both the parties, this is appropriate to direct the Respondent Company to refund the principal amount along with interest at the rate of SBI prime landing rate +2% in terms of Rule 18 of WBHIRA Rule, 2018 as ordered in this Authority final order on 14/05/2019 within three weeks from date of receipt of this order. Such refund has to be made by bank transfer in bank account of Respondent.

Let report on compliance on affidavit be submitted by Director of the Company within three weeks from today.

Fix this matter for hearing on modification prayer and further orders on any compensation for delay in payment on 10/01/2020.



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

Dictated  
& corrected  
by me

