

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000558

Asit Baran KunduComplainant

AND

Bengal Shapoorji Housing Development Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 08.02.2021	<p>Complainant Shri Asit Baran Kundu is present in the online hearing filing hazira through email.</p> <p>Ld. Advocate Smt. Sanjukta Roy representing the Respondent is also present in the online hearing filing hazira through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that he booked a flat in the project named "Shukhobrishti" of the Respondent and as per the sale agreement the date of handing over of the flat was 30/09/2019. 90% of the price of the flat has been paid by the Complainant. From the stipulated date of possession, 16 months have been elapsed but till date no possession has been given by the Respondent. Till date he has paid Rs. 30,28,980/-.</p> <p>Respondent prayed for some time to file written response. Respondent submitted that as there is no clause for compensation in general terms and condition (GTC) so they are not bound to pay the compensation for delay in delivery of possession.</p> <p>After hearing both the parties, the Authority is satisfied that there exists prima facie sufficient ground to admit the matter for further hearing and order</p>	

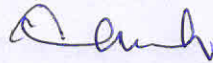
and, therefore, the matter is hereby admitted as per Rule 36(2) of the WBHIRA Rules, 2018.

Complainant is directed to submit on a notarized affidavit his total submission regarding this matter, annexing therewith a signed copy of the complaint petition and notary attested photocopies of supporting documents including copy of agreement for sell, allotment letter, all the money receipts etc and send the affidavit through speed post or by hand delivery and also through email a scan copy to the Authority, after serving a copy to the Respondent in the same manner, within two weeks from the date of receipt of this order by email.

Complainant is further directed in his notarized affidavit his response regarding statement of the Respondent that as there is no clause in the general terms and conditions or in the agreement for sale for compensation for delay in delivery of possession, therefore, they are not bound to pay compensation for delay.

Respondent is directed to file written response to the complaint petition on a notarized affidavit and send it by speed post or by hand delivery and also email a scan copy of the same to the Authority, after serving a copy to the Complainant in the same manner, within three weeks from the date of receipt of the affidavit of the Complainant.


Respondent is further directed to mention in his affidavit mentioned above , a deadline for delivery of possession of the flat to the complainant Fix 11/05/2021 for further hearing and orders.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority



(HAR GOVIND SINGH)

Member

West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority