

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000413**

**Amit Daruka.....Complainant**

**AND**

**Emami Infrastructure Limited ... .. Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 10.02.2021	<p>Complainant is present in the online hearing by filing hazira through email.</p> <p>Learned Advocate, Smt. Vedika Surekha, representing the Respondent, is also present in the online hearing filing hazira and authorization through email.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that he booked a flat in the project named "Emami City" on Jessore Road, Kolkata, of the Respondent in March 2017. Till date the possession of the flat has not been delivered to the Complainant and therefore he prayed for compensation for delay in delivery of possession. An agreement for sub-lease was entered into between the parties in November, 2014 in this regard. A demand notice dated 01.01.2020 was issued by the Respondent seeking for Rs. 15,53,903/- which was to be paid at the time of handover of the flat. The Complainant paid the same but the Respondent forced the Complainant to sign a waiver letter stating that the Complainant would have no claim against the Respondent which the Complainant refused to sign. Consequently, the Respondent did not handover the keys of the flat to the Complainant.</p>	

In the light of the above circumstances, the Complainant prays before the Authority for immediate delivery of possession of the flat along with compensation of Rs.45,77,275/- including Rs.10,000/- by way of compensation for mental suffering and damages and Rs.2,00,000/- as legal costs.

After hearing both the parties this Authority is pleased to admit this matter for further hearing as per Rule 36(2) of WBHIRA Rules, 2018, as the Authority is of the opinion that there exists sufficient ground prima facie to proceed for further hearing.

The Complainant is directed to submit his total submission regarding this complaint petition on a notarized affidavit, annexing therewith a signed copy of the complaint petition and notary attested photo copies of other supporting documents and send it to the Authority by speed post or by hand delivery and also email a scan copy of the same, after serving a copy to the Respondent in the same way, within 4 weeks from the date of receipt of this order by email.

Respondent is directed to submit their Written Response on a notarized affidavit in respect to the complaint petition and send it to the Authority by speed post or by hand delivery and also email a scan copy of the same, after serving a copy to the Complainant in the same way, within 4 weeks from the date of receipt of the affidavit of the complainant.

Fix 27.05.2021 for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

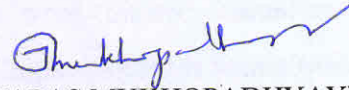
West Bengal Housing Industry Regulatory Authority



(HAR GOBIND SINGH)

Member

West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Housing Industry Regulatory Authority