

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000377

Trailokyanath Sahoo & Smrutirekha SahooComplainant

AND

Todi Constructions Pvt. Limited Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 11.02.2021	<p>Complainant is present in the online hearing by filing hazira through email.</p> <p>The Authorized Representative of the Respondent Mr. Suryash Todi along with his Advocate Mr. Shamik Ray are present in the online hearing filing hazira through email.</p> <p>Heard both the parties at length.</p> <p>The Complainant submitted that he has filed the notarized affidavit containing his submission regarding his complaint petition and he has received the written response of the Respondent and he also filed a rejoinder on notarized affidavit to the Authority and to the Respondent against the written response of the Respondent.</p> <p>Let the notarized affidavit containing submission of the Complainant dated 27.01.2020 and rejoinder of the complainant dated 08.02.2021 be taken on record.</p>	

Respondent submitted that he has filed a Written Response against the complaint petition of the Complainant as per the last order of the Authority.

Let the written response of the Respondent dated 29.01.2021 be taken on record.

The Respondent submitted at the time of hearing that there is a judgment passed by the Apex Court that even if there is delay in completion of the project but the flats are ready and complete for giving possession then the promoter is not bound to refund the money paid by the allottees and allottees are bound to take the delivery of possession of the respective flat.

After hearing both the parties the Authority is pleased to direct the Respondent to submit their submission on a notarized affidavit regarding the Apex Court judgement as mentioned by them in the hearing annexing a copy of the judgement with the affidavit and send it to the Authority and also to the Complainant by speed post and also by email, within 2 weeks from the date of receipt of this order through email.

The Respondent is further directed to submit a refund schedule mentioning the date / month and amount of refund which will be made by the Respondent to the Complainant in case of refund of the total amount along with interest to the Complainant.

And the Complainant is directed to submit on a notarized affidavit a chart mentioning all the payments made by him stating chronologically the date, amount, cheque no., if any, and corresponding money receipt nos issued by the Respondent. He is also directed to submit a interest calculation sheet in the said affidavit as per the interest rate of SBI PLR+2% p.a. for the period

from the date of deposit of the amount by the Complainant to the date of refund of the respective amounts by the Respondent.

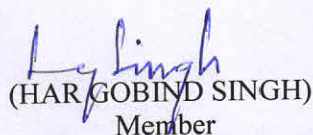
Fix 25.05.2021 for further hearing and order.



(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