

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000180

Sukanya MukhopadhyayComplainant

AND

Evania Infrastructure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
5 ----- 25.02.2021	<p>Advocate Vinit Sharma is present on behalf of the Complainant in the online hearing filing hazira and authorization through email.</p> <p>Ld. Advocate Sri Gaurav Banerjee, representing the Respondent, is also present in the online hearing filing hazira through email.</p> <p>Complainant has submitted an affidavit in reply to the Written Response of the Respondent. Let the reply of the Complainant on affidavit, be taken on record.</p> <p>The Complainant submitted in his affidavit that till date she has received only Rs.20,000/- as refund from the Respondent. She requested the Authority for passing necessary orders for refund of the amount of the Rs.8,41,415/- along with interest thereon as per the final order of this Authority in this matter, dated 10.01.2020. She also requested for imposition of penalty for every day of default upon the Respondent, as per Section 63 of the WBHIRA</p>	

Act, 2017.

Ld. Advocate of the Respondent submitted that his client is not in a position to refund any more amount to the Complainant.

After hearing both the parties, this Authority is of the considered view that the Respondent is deliberately and intentionally violating the order of the Authority and for recovery of the refund amount as arrears of land revenue from the Respondent, this matter is required to be sent to the District Collector, North-24-Parganas, as per Rule 27 of the WBHIRA Rules, 2018, read with WBHIRA Rules, 2018, read with section 40(1) of the WBHIRA Act, 2017, in the manner provided in the 'Bengal Public Demand Recovery Act, 1913.'

It is, hereby ordered,

that the final order of this Authority in this matter, dated 10.01.2020 it is hereby sent to the District Collector, North-24-Parganas, within the jurisdiction of whom the 'Real Estate Project' is situated, with the direction upon him to recover refund amount as per the order dated 10.01.2020, as arrears of land revenue in the manner as provided in the Bengal Public Demand Recovery Act, 1913, as per the provisions of Rules 27 of West Bengal Housing Industry Regulation Rules, 2018, read with Section 40(1) of the West Bengal Housing Industry Regulation Act, 2017.

Secretary, WBHIRA, is requested to send the certified copy of the final order, dated, 10.01.2020 and also this order alongwith necessary documents to the District Collector, North-24-Parganas.

Complainant is at liberty to pursue with this matter, in the office of District Collector, North-24-Parganas.

District Magistrate, North-24-parganas is requested to send the Compliance Report to the Authority, within 3 months from the date of receipt of this order.

Let the matter be fixed in the month of July, 2021, for submission of the Compliance Report.

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority

(HAR GOVIND SINGH)

Member

West Bengal Housing Industry
Regulatory Authority