

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000019 of 2019

Smt. Jogmaya Mondal.....Complainant

AND

Shri Bidyut Ghosh & Ors.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
<p style="text-align: center;">8 ----- 07-01-2020</p> <p>Dictated & corrected by me</p> 	<p>A notice for execution of this Authority order dated 31/05/2019 in complaint case no. COM-000019 was duly served upon M/s Alpha High Rise and all partners vide no.1132(4)-HIRA/1C-13/2018 dated 16/12/2019 which has been duly delivered as per postal slips.</p> <p>This Authority orders to respondent Promoter dated 31/05/2019 to refund to complainant Rs.20 lakhs along with interest at the rate of SBI prime lending rate + 2% per annum has not been complied by the Respondent.</p> <p>Though, reasonable opportunity was accorded to the Respondent to respond to the execution notice but no written reply on the execution prayer has been submitted and respondent also failed to participate in the hearing today despite receiving notices. This is presumed that the Respondent promoters are avoiding WBHIRA Authority with intention to non-compliance of orders and thus violated provisions of section 63 of WBHIRA Act, 2017 by not complying orders of the Authority. For the sake of convenience provisions of section 63 are reproduced as follows:-</p> <p>“Section 63. If any promoter, who fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to</p>	

five percent, of the estimated cost of the real estate project as determined by the Authority”.

There is no doubt that the Respondent promoters failed to comply the final orders dated 31/05/2019 passed by WBHIRA Authority and accordingly this Authority being satisfied decides as follows :-

Ordered

Those respondents jointly and severally shall pay penalty of Rs.1000/- per day from the date of default i.e, beyond 45 days from date of final order dated 31/05/2019 till the payment of amount as per the Authority order along with interest.

Further, in order to realise the amount of compensation and refund as per Authority order dated 31/05/2019, this Authority in exercise of its power u/s 40 (1) of WBHIRA Act, 2017 directs the District Collector, Hooghly to recover the amount as per order dated 31/05/2019 from the respondents as certificate dues initiating a certificate case under the Bengal Public Demand Recovery Act 1913 (Bengal Act 3 of 1913) treating the same as arrear of land revenue.

Complainant is at liberty to approach the District Collector Hooghly for the recovery of the amount as due to be paid to him in terms of order dated 31/05/2019 passed by this Authority.

Further, this Authority has gone through the details of property schedule filed by the Complainant in the complaint petition as recorded in the agreement for sale between the parties. This property, one office on 2nd floor, on the south east corner having covered area measuring 594.40 sq ft and super built up area 743 sq ft more or less located in the Building Alpha High Rise at LR dag no.2525, in LR Khatian no.6453, 6454, 6455, 6456, 6457, 6458 under Mouja –Mrigala, J.L. No.102, P.S-Dankuni, District-Hooghly, is hereby attached in terms of Rule 36 order 21 of Civil Procedure Code 1908 and shall remain attached till execution of orders passed by this Authority. Secretary, WBHIRA is directed to execute the attachment order by displaying the order at the schedule property and communicate the copy of this order to local

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by me



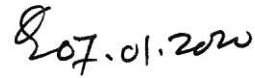
District Sub Registrar (ADSR), local municipality, local Police Station and BDO Office having jurisdiction.

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The Secretary, WBHIRA Authority shall communicate this order to District Collector, Hooghly to initiate a case for recovery of amount as per order of this Authority as public demand recovery by initiating a certificate case and report compliance. A copy of this Authority order along with details of property schedule as contained in the sale agreement shall also be communicated to Collector to enable him to execute the order.

Complainant is allowed to serve a copy of this order to the Respondents. Let this execution case be listed in the month of March 2020 for compliance of orders.



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