

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000437

Dipak Kumar Sarkar.....Complainant

AND

Shri Ajoy Nag and Shri Gautam Paul.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
<p style="text-align: center;">1 ----- 25.02.2021</p>	<p>Complainant is present in the online hearing filing hazira through e-mail.</p> <p>Ld. Advocate Smt. Sukanya Sinha Roy, representing the Respondent, is also present in the online hearing filing hazira through email.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that he is a flat owner of 'Rainbow Apartment' project of the Respondent and he is enjoying ownership from 06.08.2014.</p> <p>The Complainant made an allegation that the entire building has been damaged due to structural defects in the construction and it could not be rectified fully without reconstruction. The Complainant prayed for the refund of extra amount of money of Rs.1.36 crores earned by the Respondent, on account of selling additional 5165 Sq.ft. area over and above the sanctioned area, as compensation proportionately amongst all the 24 owners on the basis of the proportionate share since all owners have incurred a gross loss due to entire damage of the building which can not be rectified fully and also made a great loss of proposed common area for which they paid amount. Owners of the flat could not be able to make mutation in absence of completion certificate and other necessary documents required for mutation.</p>	

After hearing both the parties, the Authority is of the view that there exists prima facie sufficient ground to admit this matter and proceed for further hearing as per Rule 36(2) of WBHIRA Rules 2018, and the Authority is hereby pleased to admit this matter and direct the Complainant to submit on a Notarized Affidavit his total submission regarding the complaint petition, annexing therewith a signed copy of the Complaint Petition and other supporting documents for examples : Photocopy of Allotment Letter, Agreement for Sale, Copy of Money Receipts and other documents and Correspondences with the Respondent.

The Complainant is directed to send the original copy of the affidavit to the Authority by speed post or by hand delivery and a scan copy through e-mail, within 3 weeks from the date of receipt of this order by e-mail, after serving a copy of the Affidavit to the Respondent by speed post and also by e-mail.

Respondent is directed to submit their Written Response to the complaint petition on a notarized affidavit, annexing therewith supporting documents, if any, and send the affidavit to this Authority by speed post or by hand delivery and also by e-mail, within 3 weeks from the date of receipt of the affidavit of the Complainant, after serving a copy of the affidavit to the Complainant by speed post and also by e-mail.

Fix 29/6/21 for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Housing Industry Regulatory Authority



(HAR GOVIND SINGH)

Member

West Bengal Housing Industry

Regulatory Authority