

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000150 of 2019

Brototi BanerjeeComplainant

AND

Dharitri Infraventure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 ----- 20-12-2019 Dictated & corrected by me 	<p>Complainant is represented by Mr. Sukanta Prosad, Co-complainant and husband of Smt. Brototi Banerjee.</p> <p>Respondent is not present though notice has been duly served upon the Respondent as per postal slips.</p> <p>Heard the Complainant.</p> <p>The case of the Complainant is that a MOU was signed on 03/06/2017 between the Respondent Company represented by Directors, Sri Suman Jana and Smt. Dipanwita Samanta and the Complainant where flat of 3 BHK measuring 900 sq ft on 8th floor in Block No.18, Penthouse in the project, 'Dharitri Universia' was agreed to be purchased on payment of consideration amount of Rs.41,00,000/- . As per the agreement , the Complainant paid Rs.6,00,000/- only by cheque at the time of execution of MOU vide booking receipt serial no.1213 dt. 22/04/2017, under proper acknowledgement. The Respondent Company agreed to deliver the possession of the schedule property as per the agreement within 42 months from the date of signing MOU upon payment of full and final consideration money as per payment schedule agreed upon.</p> <p>On the date of 1st hearing on 21/11/2019, only Complainant represented</p>	

Dictated
& corrected
by me



by Mr. Sukanta Prosad, husband of Smt. Brototi Banerjee was present, though notice had been duly served upon both the parties.

This Authority decided to hear the case ex-parte as Respondent did not participate in hearing despite proper notices duly served. The Complainant submitted that there had been no progress of the construction of the project as per agreement and therefore, they approached the Respondent Company to refund their booking money by filing an application on 04/03/2019 under acknowledgement. Complainant submitted during hearing that the Company admitted its default and assured to refund the money without any deduction with instalments within six months. However, no such money was refunded till date.

Being Prima facie satisfied that there are adequate grounds to proceed further in terms of Rule 36(2) of WBHIRA Rules, 2018, this Authority ordered the Respondent Company to submit written response specifying the refund payment schedule on affidavit within two weeks from the receipt of the order. Next date of hearing was fixed today i.e, on 20/12/2019. No response or objection on the complaint petition filed by Respondent.

Heard.

After examining the documentary evidences and facts of the case duly verified by the Complainant and considering that the Respondent Company failed to participate in the hearing despite due service of notice duly received by the Respondent, this Authority decided to pass the following orders, in favour of the complaint case :-

Ordered,

that Respondent shall refund entire amount of RS.6,00,000/- deposited by the Complainant and duly acknowledged by signatory of the Respondent Company within 45 days from the date of receipt of this order along with simple rate of interest at the rate of SBI PLR rate + 2% on the total amount from 01/06/2018 till final refund payment to the Complainant by bank transfer in the bank account of the Complainant.

The Complainant is at liberty to demand the refund in terms of this order.

Communicate this to both the parties.

Complaint petition is thus disposed off.

Onkar Singh Meena
20.12.2019

(ONKAR SINGH MEENA)

Designated Authority,

Housing Industry Regulatory Authority,

West Bengal.