

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000235


Sita Ram Tibrewala.....Complainant

AND

Shristi Housing.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1. ----- 24-01-2020	<p>Complainant is represented by his son Shri Sailesh Tibrewala filing hazira.</p> <p>Ld. Advocate Mr. Swapan Kumar Mukherjee is also appearing on behalf of the Complainant filing vakalatnama.</p> <p>Ms. Sayani Chatterjee, Assistant Manager Legal represented the Respondent on authorization filing hazira.</p> <p>Heard the parties.</p> <p>Additional documents filed by Complainant in support of payment proof and copy of general terms and conditions of allotment are taken on record.</p> <p>Respondent filed a prayer seeking adjournment for four weeks for filing detail written statement and also prayed for time of three months for delivery of possession of the property.</p> <p>This is the case of the Complainant that a flat measuring an area of 4100 sq ft super built was booked in the project "THE V" developed by Respondent Company on payment of Rs.244 lakhs as per schedule of payment annexed to general terms and conditions at page no.19, linked to physical progress of the construction. It was agreed to deliver possession within March, 2014 including grace period of six months against application no.00042 dated 29/10/2011 filed to the Respondent Company. Complainant paid Rs.244 lakhs between 29/10/2011 to 12/12/2012 duly acknowledged by the</p>	

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Respondent Company. This is 80% of the total consideration amount and the payment made to the Respondent Company indicates that this demand was raised on achievement of construction milestones as mentioned in the payment schedule on page no. 19 of the GTC, according to which it is presumed that civil construction of the building was completed at the time of making last payment in December, 2012.

It is alleged by the Complainant that Respondent failed to fulfil his obligations to deliver physical possession of the property despite payment on due time and despite the fact that the considerable time of around six years has already elapsed after due date of possession.

The fact of receipt of payment amount and position taken by the Complainant that there is no breaches on the part of the Complainant in making payment to the Respondent are not disputed by authorised representative of Respondent at the time of hearing.

Examined the documents and considered submission of the parties. The complaint petition is admitted and this Authority decided to proceed further in terms of Rule 36(2) of WBHIRA Rules, 2018.

The prayer of Respondent to allow time to file written statement is considered and time period of two weeks is allowed with the direction to file written response on affidavit serving a copy to the Complainant.

The prayer allowing three months time to complete delivery of possession as prayed for by the Respondent is irrelevant at the time of admission hearing and the same has not been taken into consideration by this Authority and thus not allowed.

Let Respondent file written response on affidavit within time period as stated above.

This matter will be heard on merits on next date of hearing recording evidences if any, filed by parties passing orders after hearing the parties.

Fix 17/02/2020 for further hearing and orders.


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