

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000236

Kalpana Roy.....Complainant

AND

Surajit Chanda.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 24-01-2020 Dictated & corrected by me 	<p>Complainant is present filing hazira.</p> <p>Ld. Advocate Mr. Aritra Lahiri is representing Respondent filing vakalatnama.</p> <p>This is the case of the Complainant that a flat measuring 850 sq ft super built area was agreed to be delivered physical possession within December 2019 on payment of Rs.16.15 lakhs consideration money linked to progress of the construction in terms of sale agreement between the parties on 26/04/2019. Complainant paid Rs.3 lakhs which is duly acknowledged in the sale agreement on page no.18.</p> <p>It is alleged by the Complainant that Respondent refused to accept further instalments even on payment of 10% penalty in terms of clause 8 (j) of the sale agreement. It is claimed that demand raised by the Respondent was not properly served to Complainant due to change of address by the Complainant.</p> <p>Respondent while admitting the fact of sale agreement and receipt of Rs.3 lakhs as booking amount submitted that demand for payment of further instalments was sent by post with registered A.D that returned back stating that the address is not found.</p> <p>The Respondent admitted that the project is not registered under provision of WBHIRA Act, 2017 due to ignorance, though it is admitted that there are 11 flats for sale in this project and according to section 3 of WBHIRA Act,</p>	

2017 registration of this project is mandatory in the circumstances of present case and fact disclosed in this complaint petition.

At the time of hearing, the Complainant was offered to pay the due instalments without any interest penalty in terms of the sale agreement clause 8(j) on the ground that there has been communication gap between the parties and delay in completion of the project construction, therefore this Authority found it appropriate to consider directing the Respondent to accept the further instalment without any interest penalty in the instant case. Complainant refused to accept such offer and prayed for refund of entire deposits. Complainant also prayed orders against the promoter for violation of section 3 of WBHIRA Act, 2017.

Prima facie this Authority is satisfied to proceed further under Rule 36(2) of WBHIRA Rules, 2018.

Let Respondent file written response on affidavit showing cause as to why the order for refund of entire deposits to Complainant and penalty for non registration of the project under WBHIRA Act, 2017 shall not be passed by this Authority.

Fix this matter for further hearing and orders on 17/02/2020


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

Dictated
& corrected
by me

