

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000129 of 2019

Joydeep Roy.....Complainant


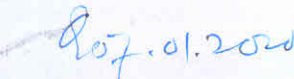
AND

Nestwood Estates Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
3 ----- 07-01-2020	<p>Complainant is present filing hazira.</p> <p>Respondent is absent despite due service of notice as per postal slips.</p> <p>Let the service return be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainant is that he applied for booking of a flat in Nestwood Maple project of the Respondent at Rajarhat on 24/12/2014 vide application no.0759 and the Respondent has allotted a flat being apartment no.B2 on 2nd floor in Tower no.T-28 of 898 sq ft vide their allotment letter dated 08/09/2015.</p> <p>Let copy of the allotment letter be taken on record.</p> <p>The Complainant paid advance money of Rs.2,81,870/- vide money receipt dt. 24/12/2014 duly issued by the Respondent Company. The Complainant paid total Rs.2,81,870/- as advance money for purchase of the said flat to the Respondent till date as per the money receipt duly issued by the Respondent and submitted by the Complainant before this Authority.</p> <p>Let the copy of the money receipt be taken on record.</p> <p>The Complainant prayed for refund of the money from the Respondent as the Respondent failed to deliver possession of the flat by December,2018 as per General terms and conditions agreed between the parties.</p> <p>On examination of the documents and the evidences on record and the submission of the Complainant, the Authority is satisfied that the Respondent</p>	

Dictated
& corrected
by me

[Signature]

<p>Dictated & corrected by me</p> <p></p>	<p>has failed to deliver the possession of the flat allotted to the Complainant even after payment of Rs. 2,81,870/- as advance amount by the Complainant. The Respondent was under the obligation to deliver the possession by December, 2018. Therefore, the Respondent defaulted in his obligation.</p> <p>This Authority is satisfied that the Respondent is negligent and defaulted in the matter of delivery of possession of the flat allotted to the Complainant within the time period as per General Terms and Conditions agreed between the parties.</p> <p>Therefore, it is hereby</p> <p style="text-align: center;"><u>Ordered,</u></p> <p>that the Respondent shall refund Rs.2,81,870/- along with interest at the rate of SBI PLR rate plus two percent per annum from the date of payment by the Complainant to the date of refund by the Respondent within 45 days from the date of receipt of this order by bank transfer to the account of the Complainant.</p> <p>Complainant shall supply his bank account details along with copy of this order to the Respondent within seven days from the date of receipt of this order.</p> <p>Let copy of this order be served to both the parties for compliance.</p> <p>With the above directions the matter is thus disposed off.</p> <p style="text-align: right;">  (ONKAR SINGH MEENA) Designated Authority, Housing Industry Regulatory Authority, West Bengal. </p>
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