

ORDER SHEET


**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000232

Chandan Mukherjee.....Complainant

AND

Smt. Nandita Roy & Shri Debashish Roy.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
<p style="text-align: center;">3</p> <p>----- 18-03-2020</p> <p>Dictated &amp; corrected by me</p> 	<p>Complainant is present filing hazira.</p> <ol style="list-style-type: none"><li>1. Respondent is represented by Ld. Advocate filed a prayer seeking adjournment on the grounds that an appeal has been preferred before Ld. West Bengal Housing Industry Appellate Tribunal (WBHIAT) which is fixed for admission hearing on 19/03/2020.</li><li>2. Examined the prayer and noticed that there is no order from the Appellate Tribunal and as per the settled principles of the law, merely filing appeal does not prevent the Authority to proceed further in the complaint case as per provisions of WBHIRA Act, 2017.</li><li>3. Complainant is present at the time of hearing claims to have not received any intimation as regards filing of such appeal and there is no service of any notice upon the Complainant about the Appeal.</li><li>4. Ld. Advocate representing the Respondent insisted to consider the prayer for adjournment stating that generally on filing of appeal the matters are allowed to be adjourned by the lower courts as a practice.</li></ol>	

Dictated  
& corrected  
by me



5. Heard the parties.
6. Complaint petition as filed by the Complainant in terms of section 31 of WBHIRA Act, 2017 was served upon the Respondent and thereafter as per proceedings of this Authority dated 10/02/2020, written response on the complaint petition was due to be submitted before this Authority within two weeks of date of receipt of order dated 10/02/2020. However, no written response has yet been filed by Respondent. No prayer seeking extension time is presented before this Authority. As per records of service the order was delivered on 02/03/2020 and thus time period of two weeks as stated in the proceedings dated 10/02/2020 is already over. There are no explanations for non submission of written response within a timeline allowed by this Authority.
7. Further this Authority admitted the complaint petition in terms of Rule 36(2) of WBHIRA Rule 2018 and such complaint petition is required to be proceeded with as per Rules with sincere efforts to conclude and dispose of complaint petition within a statutory period of 60 days as per provisions of WBHIRA Act, 2017 and thus parties are expected to extend their co-operation for speedy redressal of complaint petition.
8. In view of the above discussion and the fact that no interim order has been passed by this Authority, this is appropriate to allow the proceedings of this case as per procedure under WBHIRA Rule 2018. Accordingly, the prayer for adjournment is considered and not allowed due to reasons that there are no orders of stay or otherwise preventing this Authority to proceed further.
9. Complainant filed money receipts in support of the complaint petition, which are taken on record.

10. Let this matter be fixed for further hearing and orders on merits, taking further evidence and submissions of the parties on next date of hearing.

11. There are no ad interim orders at this stage and for the sake of principles of natural justice and considering the provisions of section 38(2) of WBHIRA Act, 2017, this Authority is allowing further time of one week from today to the Respondent to file written response on affidavit on the complaint petition. In the event of non submission of written response and not participating in the hearing, this Authority will decide the matter on merits.

To 17/04/2020 for further hearing and orders.

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