

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000128**

**Saptaparna Ray.....Complainant**

**AND**

**Hemont Sikaria.....Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
10 ----- 16.03.2021	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Ld. Advocate Sri Soumen Halder, representing the Respondent, is also present in the online hearing filing hazira through email.</p> <p>Heard both the parties at length.</p> <p>The Complainant submitted that till date she has not received any refund payment from the Respondent and requested the Authority for taking necessary measures for recovery of the refund amount from the Respondent.</p> <p>After hearing both the parties and after examination of the documents and evidences in record, this Authority, is of the considered view that this matter is required to be sent to the District Collector, North 24 Parganas in whose jurisdiction the project property is situated for recovery of the refund amount from the Respondent as per Section 40 of West Bengal Housing Industry Regulation Act, 2017, (WBHIRA Act, 2017) and Rule 27 of the West Bengal Housing Industry Regulation Rules, 2018, (WBHIRA Rules,2018), for</p>	

recovery of the amount due as arrears of land revenue in the manner as provided in the 'Bengal Public Demand Recovery Act, 1913. Authority is of the view that the Respondent is intentionally and deliberately violating the final order of this Authority in this matter, dated 18.12.2019 and several orders of this Authority in execution proceedings of this matter, in which the Respondent was given several opportunities to refund the amount to the Complainant but the Respondent did not pay any heed to refund the amount to the Complainant. Therefore, for recovery of the refund amount from the Respondent as per the final order dated 18.12.2019 and the order dated 11.01.2021, in which penalty was imposed upon the Respondent, as per Section 63 of the WBHIRA, 2017 and shall be sent to the District Collector, North 24 Parganas for recovery of the amount.

It is hereby ordered,

That the final order of this matter dated 18.12.2019, the order dated 11.01.2021 passed in the execution proceeding imposing penalty upon the Respondent, are hereby sent to the District Collector, North-24-Parganas, in whose jurisdiction the project property is situated, with the direction for recovery of the amount due as arrears of land revenue in the manner as provided in 'Bengal Public Demand Recovery Act, 1913,' as per Section 40 of WBHIRA Act, 2017, read with Rule 27 of WBHIRA Rules, 2018 and he is further directed to send the compliance report to this Authority, within 3 months from the date of receipt of this order.

Secretary, WBHIRA, is directed to send the certified copies of the order



dated 18.12.2019, 11.01.2021 and the instant order, the complaint petition of the Complainant and the execution application of the Complainant to the District Collector, North-24-Parganas immediately.

The Complainant is directed to pursue with the matter with the office of the District Collector, North-24-Parganas.

Fix the matter for submission of the compliance report in August, 2021.



**(SANDIPAN MUKHERJEE)**

Chairperson


West Bengal Housing Industry Regulatory Authority



**(HAR GOVIND SINGH)**

Member

West Bengal Housing Industry  
Regulatory Authority



**(TAPAS MUKHOPADHYAY)**

Member

West Bengal Housing Industry  
Regulatory Authority