

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000553

Major Jayant Kumar DubeyComplainant

AND

Bengal Shapoorji Housing Development Pvt. Ltd. Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
1 ----- 08.02.2021	<p>Complainant is present in the online hearing by filing hazira through email.</p> <p>Learned Advocate, Smt. Sanjukta Roy, representing the Respondent, is also present in the online hearing filing hazira and authorization through email.</p> <p>Heard both the parties at length.</p> <p>The case of the Complainant is that he booked a flat in the project named "Sukhobrishti", Phase-7, of the Respondent and delivery of possession was assured to be given in the year 2019. The Respondent failed to deliver possession on the scheduled date and never provided an exact deadline for delivery of possession to the Complainant and also the work in the project has been stopped for quite sometime.</p> <p>The Complainant prays for the relief of earliest delivery of possession of the flat from the Respondent and compensation for delay in delivery of</p>	

possession. Complainant also prayed for an exact deadline for delivery of possession from the Respondent on a notarized affidavit.

The Respondent prays for some time to file the Written Response on a notarized affidavit against the complaint petition and also submitted that as there is no clause for compensation for delay in delivery of possession in the GTC, therefore, no compensation will be paid by the Respondent for delay in delivery of possession.

After hearing both the parties, this Authority is pleased to admit this matter for further hearing as per Rule 36(2) of WBHIRA Rules, 2018 as the Authority is of the opinion that there exists sufficient ground prima facie to proceed for further hearing.

The Complainant is directed to submit his total submission regarding this complaint petition on a notarized affidavit, annexing therewith a signed copy of the complaint petition and notary attested photo copies of other supporting documents and send it to the Authority by speed post or by hand delivery and also email a scan copy of the same, after serving a copy to the Respondent in the same way, within 3 weeks from the date of receipt of this order by email.

The Complainant is further directed to submit in the said affidavit their response to the statement of the Respondent made at the time of hearing that no compensation shall be paid by the Respondent as there is no clause for giving compensation for delay in delivery of possession in the GTC or in the Agreement for Sale, as the case may be.

Respondent is directed to submit their Written Response on a notarized affidavit in respect to the complaint petition and send it to the Authority by speed post or by hand delivery and also through email a scan copy of the same, after serving a copy to the Complainant in the same way, within 3

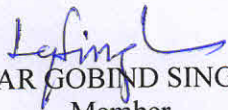
weeks from the date of receipt of the affidavit of the complainant.

Respondent is further directed to submit as far as possible the exact deadline for delivery of possession of the flat to the Complainant in their notarized affidavit.

Fix 07.05.2021 for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Housing Industry Regulatory Authority



(HAR GOBIND SINGH)
Member
West Bengal Housing Industry Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member
West Bengal Housing Industry Regulatory Authority