

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000337**

**Sudipta Thakur .....Complainant**

**AND**

**Shivmahima Developers Private Limited ... .. Respondent**

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 11.02.2021	<p>Complainant is present in the online hearing by filing hazira through email.</p> <p>Ld. Advocate Shri Rudrajit Sarkar representing the Respondent is also present in the online hearing filing hazira and vakaltnama through email.</p> <p>Heard both the parties in detail.</p> <p>The Ld. Advocate of the Respondent submitted that they have submitted Written Response on a notarized affidavit just few minutes before starting the hearing and he stated that the person who signed the affidavit was out of station, therefore, there is a delay on their part to submit the written response in due time.</p> <p>Authority took exception on this matter and warned the Respondent that this type of delay and negligence shall not be accepted in future.</p>	

Let the Written Response sent through email by the Respondent today be taken on record. He is directed to submit the original notarized copy of the affidavit immediately to the Authority.

Complainant submitted that he wants refund of money paid by him along with interest.

The Respondent submitted that delay in the construction was caused due to the alteration made by the allottees as per their choice including the present Complainant. He also requested to take note of an email communication from the Complainant in which the Complainant had given his consent for the alterations as per his choice.

After hearing both the parties, the Respondent is directed to submit on a notarized affidavit the alternations and modifications they have made in the sanctioned plan and whether the requirements of section 14, sub-section (2) of the WBHIRA Act, 2017, have been complied or not annexing therewith the photocopies of the written consent of the 2/3<sup>rd</sup> existing allottees and copy of the original sanctioned plan and the revised sanctioned plan and send the affidavit to the Authority by speed post and also by an email within 15 days from the date of receipt of this order, serving a copy to the Complainant in the same manner.

Complainant is directed to submit a rejoinder / reply against the written response as well as the affidavit as mentioned above of the Respondent, within two weeks from the date of receipt of the affidavit of the Respondent and send it to the Authority and also to the Respondent by speed post or hand delivery and through email a scan copy of the same.

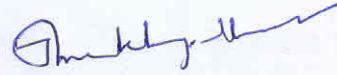
Fix 18/5/21 for further hearing and order.



(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