

**ORDER SHEET**


**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM- 000100 of 2019

Arun Kumar Dokania .....Complainant

AND

M/s Bengal Unitech Universal Infrastructure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 ----- 19-09-2019           Dictated & corrected by me 	<p>Both the parties are present. Complainant filed a written submission stating that in clause 5 at page 8 annexed to complaint application, the agreement to sell dated 22/11/2019, provides for obligation of the Developer and it is as under:</p> <p>"That if for any reason the Developer is not in position to offer the apartment herein applied for allotment, the Developer shall offer the purchaser an alternative property or refund the amount in full with interest @ 10% per annum without any further liability to pay any damages or compensation."</p> <p>Respondent did not give any positive response for providing alternative property or refund according to the Complainant. Further, it is also argued by Complainant, citing orders of State and National Consumer Disputes Redressal Commission and provisions of section 75 of WBHIRA Act, 2017, that there is no bar for adjudication of the complaint by WBHIRA Authority as per the sale agreement, which is still valid and operative without being effected any orders of any Court.</p> <p>Respondent Company filed physical progress report of the project "Harmony" in Uniworld City, Rajarhat according to which piling work and foundation work are complete and RCC frame structure has been completed for 22 number slabs out of 24 total slabs.</p> <p>After hearing both the parties the matter stands adjourned in order to examine the applicability of Apex Court order in SLP (Criminal) Nos.5978-</p>	

5979/2017 in the present complaint petition for which, legal opinion is required to be obtained by this Authority.

Final order of the complaint petition will be passed after obtaining the legal opinion on next date of hearing.

19.09.2018

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

Dictated  
& corrected  
by me

