## ORDER SHEET

## WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000015 of 2019
Shri Alok Paal......Complainant

AND

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
9		
10-12-2019	Both parties are present.	
	Heard Ld. Advocate for the Respondent and Complainant in detail,	
	Since the possession of the property has not yet concluded, though it is	
	submitted on behalf of the Respondent that the property is ready for delivery	
	of possession on any day on payment of final instalment dues as per schedule	
	of payment in terms of sale agreement.	
	Complainant is agreed to take over possession on inspection of the	
	property, and satisfying the fit for possession as per schedule and	
	specifications in terms of sale agreement. The Complainant while agreeing to	
	inspect the property for the purpose of taking over possession submitted that the final payment of amount due to him can be made only after possession is	
	handed over, but before execution of deed of conveyance.	
Dictated & corrected		
by me	Complainant argued that final payment and execution of deed of conveyance has to be simultaneous as per applicable law and claimed that	
a_	clauses of sale agreement (clause 5.4 on page 9) which provides for final	
	payment before possession is not binding upon him. Complainant could not	
	show the provisions of the law in support of his arguments, though asked to	

show the provisions of law in support of arguments.

Dictated & corrected by me



I have gone through the provisions of sale agreement and schedule of payment agreed upon between the parties (page 27) which stated that the last and final payment of 5% + tax has to be made before delivery of possession of the property and therefore, the contentions of the Complainant that final payment can be made only after possession, simultaneously with execution of deed is not confirmative with the binding of the sale agreement.

Be it be noted that execution of the deed of conveyance can only take place after completion of the possession on completion of the possession formalities on payment of all dues by the Complainant.

Accordingly this is hereby

## Ordered,

that the Respondent shall arrange inspection of the property by the Complainant to satisfy himself before delivery of possession within two weeks from receipt of this order.

On completion of the inspection and the property found to be meeting the requirements of sale agreement to be fit for possession, the Respondent shall hand over possession within two weeks from date of final payment as due to be paid by the Complainant and conclude the execution of deed of conveyance within next one month thereafter.

The other prayers in the complaint petition as regards the prayer for penalty for delayed possession and compensation etc. will be taken on next date of hearing after conclusion of the possession.

Let this order be communicated to both parties.

Fix this matter for hearing and orders on 10/02/2020.

(ONKAR SINGH MEENA) Designated Authority,

Housing Industry Regulatory Authority, West Bengal.