ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. CON1-000097 61 201	
Amites Sahu	Complainant
AND	
Mukti Prasad Jana	Respondent

SI. Number and date of order	Order and signature of Officer	Note of action Taken on order
30-09-2019	Complainant is present, Respondent is represented by Ld Advocate Mr. Arun Kumar Das filing vokalatnama.	on orde
	Heard the Complainant in details.	
	The Complainant in his petition alleged that Respondent is making addition to G+5 building. The sale deed of the flat purchased by Complainant has been signed on 01/09/2017 after completing the delivery of possession as per sale agreement. Complainant also stated about pendency of Writ in the Hon'ble High Court No.19897(W) of 2018 and also furnished a copy of Hon'ble High Court order in WP No.8330(W) 2018 on the matter related to the unauthorised construction as filed by private Respondent Suvasis Panja and others V/s State of West Bengal where a specific direction was given by Hon'ble High Court to the Haldia Municipality for appropriate action under the relevant law stated in the order.	1
Dictated & corrected by me	Complainant tried to raise the same cause of action as contained in the order of Hon'ble High Court for adjudication before this Authority. Complainant also brought Shri Suvasis Panja who is neither the partiy in this complaint case nor authorised by any of the parties to make submissions. Ld. Advocate submitted that the complaint petition is not maintainable under WBHIRA Act as the possession already given prior to commission of WBHIRA Act, 2017. This is also argued that issue related to additional construction as raised in the complaint petition are beyond the purview of this	

authority as the same is pending with Superior Court.

Complainant could not produce any document in support of the complaint and also failed to adduce any document that can prove contravention of section 3 or any other provisions of WBHIRA Act, 2017.

Therefore, this Authority after examining the documents and hearing both the parties decided to dismiss the complaint as not maintainable.

Complaint case is disposed off...

Let a copy of this order be submitted both the parties.

(ONKAR SINGH MEENA)

Designated Authority,

Housing Industry Regulatory Authority,

West Bengal.

Dictated & corrected by me

