ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000128 of 2019

Saptaparna Ray......Complainant

AND

Hemont Sikaria.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action
		Taken on order
L	The second has been placed at the party of t	
19-09-2019	Both the parties are present. Heard the Complainant and Ld. Advocate	
	of the Respondent. Sale agreement entered into between Complainant and	
	Respondent Mr. Hemont Sikaria on 13 th April 2013 noted that total price of	
	the property of Rs.57,64,750/- will be paid in nine instalments as specified at	
	para 8.3. The Complainant claims that she made payment of Rs.54,76,513/-	
	till 31/12/2016. The schedule property was agreed to be given possession by	
	December, 2016 as per the agreement. The Complainant claims that the	
	possession has not yet been delivered by the Respondent. Therefore, she	
	prays direction upon Respondent to refund the entire amount along with	
	admissible interest penalty and compensation.	
	Ld. Advocate appearing filing vokalatnama duly signed by Respondent	
	files a written submission seeking adjournment on the ground that the	i i
	complaint petition received without any annexure and he received this from	
	the Respondent day before. According to the Ld. Advocate he is unable to	
Dictated & corrected by me	prepare written response within short time. While going through the notice	
	issued by Secretary, of this Authority No.581(2)-HIRA/1C-109/2019 dated	
	29/08/2019, it is noted that the Respondent was asked to submit written	
	response on the complaint petition and relief prayed for by the Complainant	

Dictated & corrected by me



within one week of receipt of the notice. The record of service return filed before the Authority during the hearing today confirms that the notice along with the complaint petition and annexures filed therein by the Complainant were delivered to Respondent on 7th September, 2019. Today on 19th September,2019 after 12 days, the Respondent got adequate time to submit written response before the Authority. There is no grounds made out in the prayer for adjournment to satisfy this Authority about grounds for not responding to the notice in time. However, it is noted that there has been delay in communication between the Respondent and Legal Practitioner authorised by him to appear before this Authority. For the sake of natural justice and pleading that Ld. Advocate is not adequately prepared today, as he got only 2 days time as claimed by him in the written prayer, the prayer of Ld. Advocate has to be accepted to enable him to seek instruction and response on the complaint petition.

The prayer accepted.

Respondent is directed to attend on 30/09/2019 at 2.00 p.m and submit written response on the prayer along with time line of making refund for the amount paid by Complainant, as prayed in the petition as admissible.

To 30/09/2019 at 2.00 p.m for further hearing.

Designated Authority,
Housing Industry Regulatory Authority,

West Bengal.