ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000073 of 2019

Pooja Khetan......Complainant

AND

Sonartori Projects of Merlin InfiniteRes	pondent
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Sl. Number	Order and signature of Officer	Note o
and date of		action
order		Taken
		on orde
3	Complainant is present.	on orac
18-12-2019		
10-12-2019	Respondent is not present though notice has been duly served as per postal	
	slips.	
	Pagnandant filed - ''	
	Respondent filed a written response on the complaint petition which is	
	available on the record.	
	Complaint submitted that the copy of written response of the Respondent	
	is not served to her.	
	This is the case of the Complete at the	
	This is the case of the Complainant that an agreement for sale between	
	the parties on 10/05/2011 for the purchase of the flat bearing no.4A on 4 th	
	floor block-1 of the project 'Sonartari' at measuring 1012 sq ft. super built up	
	along with car parking space on payment of Rs.1566200/- consideration	
	amount in three instalment. The delivery of the possession of the property has	
Dictated	not yet been completed though the Complainant has paid Rs.15,35,802/- in	
& corrected by me		
by me	terms of payment and there are no default on the part of the Complainant as	
0	per the documentary evidence filed before the Authority at the time of	
	hearing.	100
	The Respondent in their written response has claimed that the possession	
	- sopono has claimed that the possession	

of the flat has been offered to the Complainant through several communications by e-mail through 2017 but the possession not yet concluded.

Dictated & corrected by me



The Complainant during the hearing stated that the flat is not ready for fit in possession as per specification of clause 6.1 of the sale agreement as there are several defects which were duly communicated to the Respondent but these defects of construction and amenities in terms of specification in schedule of sale agreement are yet to be rectified by the Respondent and for these reasons that the last and final payment of 5% consideration amount which is required to be paid on or before the possession has not yet been paid by the Complainant.

After careful consideration the facts of the case and written submission of both the parties this is

Ordered.

that the Respondent shall arrange inspection of the flat by the Complainant within two weeks from date of communication of this order and thereafter, the possession be delivered on satisfaction of the Complainant as regards fit for possession in terms of clause 6.1 and specifications noted in the sale agreement within two weeks from the date of fit for possession duly certified by architecture and accepted by Complainant.

Be it noted that payment of final instalment shall be made by the Complainant immediately on acceptance of fit for possession but prior to execution of deed of conveyance.

This is an ad-interim order.

Communicated the order to both the parties for compliance.

Fix date to 06/02/2020 for final hearing and orders.

(ONKAR SINGH M Designated Authority,

Housing Industry Regulatory Authority,

West Bengal.