ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000060 of 2019

Prakash Chandra Gupta......Complainant

AND

Greentech IT City Pvt. Ltd.....Respondent

Sl. Number	Order and signature of Officer	Note of
and date of		action
order		Taken
		on order
5	Complainant is present filing hazira.	
04-12-2019	Respondent is not present, though notices have been duly served as per postal slips. Let service return be kept on record.	
Mirkherje	It is found from the records that Ld Advocate Mr Vinil Sharma representing respondent on 18th November 2019 sought adjournment to seek instructions and file response of the respondent company. Today Mr Sharma is not appearing before this Authority for hearing. Another Ld Advocate appeared on behalf of respondent company and filed Vakaltnama.	Me, I.
J	Ld Advocate appearing today is also not carrying instructions of respondent and sought adjournment today without giving any satisfactory reasons as to why respondent company did not file written response as assured by Ld Advocate of respondent on previous day of hearing.	
	Though, appearance of Ld Advocate is allowed, oral prayer made for adjournment is not allowed.	
7,	Heard both the parties and examined documentary evidences, filed by Complainant.	
Dictated	This is the case of the Complainant that he entered into an agreement for sale on 29/03/2013 with the Respondent Company for purchase of a flat bearing unit no."02-1K" in the project namely "Green Tech City-Smart Homes" of the Respondent Company for a total consideration of money of Rs.27,20,000/	
& corrected by me	He has paid a sum of Rs.23,85,360/- till date to the Respondent Company. The Respondent duly acknowledged the money receipts. The copy of the money receipts have been submitted by the Complainant before	2

this Authority. The Complainant paid Rs.1,03,090/- vide receipt dt. 22/03/2013, Rs.457719.60 vide receipt dt 13/04/2013, Rs.280404/- vide money receipt no.MR-GSH/00534/13-14 dated 19/05/2013, Rs.2,80,406/- vide receipt no.MR-GSH/01788/13-14 dated 23/10/2013 Rs.560810/- vide receipt no.MR-GCSH/02699/14-15 dated 11/04/2014, Rs.560810/- vide receipt no.MR-GCSH/02699/14-15 dated 21/10/2014 and Rs.142120/- vide receipt no.MR-GCSH/04899/16-17 dated 25/07/2016.

Let documentary evidences including money receipts submitted by the Complainant be taken on record.

The Complainant has prayed for refund of money before this Authority from the Respondent along with admissible interest and costs.

After examining the documentary evidences and submissions of parties, this Authority is prima facie satisfied that the Respondent has made default in his obligation to deliver possession to the Complainant within 24 months from the date of execution of the sale agreement as per the provisions of the sale agreement and decided to proceed further under Rule 36(2) of WBHIRA Rules, 2018.

Respondent has to explain as to why the appropriate orders as prayed in the complaint petition are not issued by the Authority for contraventions of provisions under section 18 of WBHIRA Act, 2017.

Let notices be issued to both the parties for further hearing on 10/01/2020. In the event of Respondent Company not appearing and participating in the hearing, this Authority will hear the matter and pass orders ex parte.

Let copy of this order be served to both the parties.

Fix 10/01/2020 for further hearing and orders.

Dictated & corrected by me

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