

**PROCEEDINGS OF THE DAY**

Day and Date	Wednesday and 01.05.2019
Complaint No.	1857/2018 Case Titled As Amit Das V/S Homestead Infrastructure Development Pvt Ltd
Complainant	Amit Das
Represented through	Complainant in person
Respondent	Homestead Infrastructure Development Pvt Ltd
Respondent Represented	<b>None on behalf of the respondent</b>
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari & S. L. Chanana

**Proceedings****Project is not registered with the authority.**

Since the project is not registered, notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Complaint was filed on 3.12.2018. Notices w.r.t. reply to the complaint were issued to the respondent on 4.12.2018, 21.12.2018 and 8.1.2019. Besides this, a penalty of Rs.5,000/- and Rs.10,000/- was also imposed on 21.12.2018 and on 8.1.2019 for non-filing of reply even after service of notices. However, despite due and proper service of notices, the respondent neither filed the reply nor come present before the authority.

From the above stated conduct of the respondent, it appears that respondent does not want to pursue the matter before the authority by way of making personal appearance by adducing and producing any material particulars in the matter. As such, the authority has no option but to proceed ex-parte against the respondent and to decide the matter on merits by taking into account legal/factual propositions, as raised, by the complainant in his complaint.

A final notice dated 17.4.2019 by way of email was sent to both the parties to appear before the authority on 1.5.2019.

The present complaint has been filed by the complainant against M/s Homestead Infrastructure Pvt. Ltd. seeking refund of an amount of Rs.3,09,270/- paid in two instalment viz Rs.1,50,000/- and Rs.1,59,270/- for purchase of residential unit under the affordable housing scheme. However, no proof w.r.t. depositing of second instalment is available on record but the statement of HDFC bank is available on record where the amount of Rs.1,59,270/- was credited in the account of the respondent. However, no BBA has been signed inter-se the parties. No allotment letter has been placed on the record. The builder has cancelled his allotment but no refund has been given to him. He has already gone to EOW but he could not get justice from there. As per his version, the builder is not traceable as on date. Complainant is advised to approach the EOW once again to get his grievances redressed and to get justice as there are no document from which the head and tail of the matter can be evolved. He is directed to pursue the matter with EOW.

Since none is present on behalf of the respondent, the respondent is proceeded ex-parte.

Complaint stands disposed of. File be consigned to the registry.

Samir Kumar  
(Member)  
01.05.2019

Subhash Chander Kush  
(Member)