

**COMPLAINT TO AUTHORITY**  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 3/20/2020

Date of receipt by post : \_\_\_\_\_

Complaint No. : COM000364

Signature : \_\_\_\_\_

Authorized Officer : \_\_\_\_\_

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

Calcutta Greens Commercial Complex (1st Floor), 1050/2, Survey Park, Kolkata-700075

Between  
Nirmal Kumar Agarwal                      Complainant(s)  
And  
GREENTECH IT CITY PVT. LTD.                      Respondent(s)

**Details of claim :**

- Particulars of the complainant(s) :
  - Name of the complainant : Nirmal Kumar Agarwal
  - Address of the existing office / residence of the complainant : 25E Shakespeare Sarani, Kolkata-700017, Kolkata, Kolkata, Shakespeare Sarani, 700017
  - Address of the service of all notice : 25E, Shakespeare Sarani, Kolkata-700017
- Particulars of the respondents:
  - Name(s) of the respondent : GREENTECH IT CITY PVT. LTD.
  - Office address of the respondent : MOUZA BAJETARAF ,North 24-Parganas,Rajarhat Rajarhat,West Bengal,700135
  - Address for service of all notices : 1/1B Upper Wood Street Kolkata-700017
- Jurisdiction of the Authority : North 24-Parganas

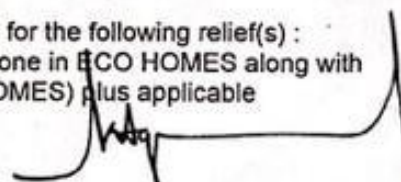
4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

I, Nirmal Kumar Agarwal, has booked a flat in Project- ECO HOMES developed by Greentech It City Pvt Ltd and entered into an agreement for sale with the above mentioned developer on 23/08/2016 and paid Rs. 2,51,200.00. As per the agreement, the developer was supposed to give possession of the flat by 23/02/2019. On 11/05/2017 we asked for the development status of the Project-ECO HOMES but no reply has been received. Due to abnormal delay in Project-Eco Homes, I booked a flat in Project-SMART HOMES as on 26/11/2018 with a booking amount of Rs.1,00,000.00 . Further I received a letter to make balance payment as on 13.02.2019. On 27/02/2019, I requested to transfer fund from Project-ECO HOMES to Project-SMART HOMES and paid the balance amount (i.e. Rs. 3,35,363.00), but didn't received any reply from the developer. I again wrote a letter to the developer for transfer of fund from Project-ECO HOMES to Project-SMART HOMES as on 13/03/2019 but didn't receive any reply from them. There is no such physical development in Project-SMART HOMES. Even After continuous follow up with the representative of builder we are not able to find any reply regarding construction status and even no format agreement has been signed till date.

(give a concise statement of facts and grounds for complaint)

5. Relief(s)

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) :  
I prayed for an immediate action from your side by cancelling the booking done in ECO HOMES along with refund of entire money invested till date (i.e. both in (ECO HOMES & SMART HOMES) plus applicable compensation as per WBHIRA.





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(Specify below the relief(s) claimed explaining the grounds of relief(s) and the legal provisions (if any) relied upon)

6. Interim order, if prayed for:

prayed for an immediate action from your side by cancelling the booking done in ECO HOMES along with refund of entire money invested till date (i.e. both in (ECO HOMES & SMART HOMES) plus applicable compensation as per WBHIRA.

Pending final decision on the complaint the complainant seeks issue of the following interim order:

Refund of entire money invested till date (i.e. both in (ECO HOMES & SMART HOMES) plus applicable compensation as per WBHIRA.

(Give here the nature of the interim order prayed for with reasons)

7. Complainant not pending with any other court, etc:

No

The complainant further declares that the matter regarding which this complaint has been made is not pending before any court of law or any other authority or any other tribunal(s).

8. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 36:

(i) Amount : 1000

(ii) Name of the bank on which drawn : BillDesk Online Payment

9. List of enclosures :

(Specify the details of enclosures with the complaint)

Agreement for Sale

Application letter dated 26.11.2018

Email Dated 04.02.2019

Email Dated 08.01.2019

Letter Dated 11.05.2017

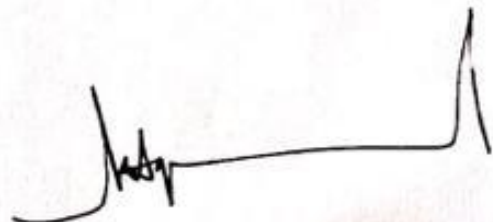
Letter dated 13.02.2019

Letter dated 13.03.2019

Letter dated 27.02.2019

Letter dated 28.11.2018

Payment Dated 01.12.2015



**FORM 'J'**  
See rule 36(1)

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Payment Dated 15.01.2016

Payment Dated 15.02.2016

Payment Dated 15.03.2016

Payment dated 15.04.2016

Payment dated 15.12.2015

Payment dated 16.05.2016

Payment dated 24.11.2018

Payment dated 27.02.2019

Receipt dated 18.03.2019

Receipt dated 25.01.2019

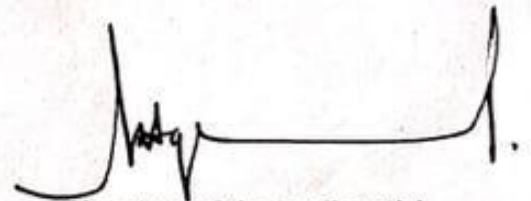
Receipt dated 28.02.2019

**Verification**

I **Nirmal Kumar Agarwal** son / daughter of **Late Radha Kishan Agarwal** the applicant do hereby verify that the contents of paragraphs (1 to 7) are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

**Place :**

**Date :**



**Signature of the applicant(s)**