

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 4/20/2021

Date of receipt by post : _____

Complaint No. : COM000720

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Kallol Majumdar Complainant(s)
And
Bengal Shelter Housing Development Ltd. Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :
 - (i) Name of the complainant : Kallol Majumdar
 - (ii) Address of the existing office / residence of the complainant : Flat No. F/217, Ananya Apartment , Block-B 52, N. S. Avenue, Serampore-71201, Hooghly, Serampur Uttarpara, Sreerampur, 712201
 - (iii) Address of the service of all notice : Flat No. F/217, Ananya Apartment , 52, N. S Avenue, Serampore-712201
2. Particulars of the respondents:
 - (i) Name(s) of the respondent : Bengal Shelter Housing Development Ltd.
 - (ii) Office address of the respondent : DN-1 Eternity Building , 3 rd Floor, Sector-V, College More, Salt Lake, Kolkata-700091
 - (iii) Address for service of all notices : DN-1 Eternity Building , 3 rd Floor, Sector-V, College More, Salt Lake, Kolkata-700091
3. Jurisdiction of the Authority : yes
4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

The complainant booked one apartment in NEEL DIGANTA Housing Project at Barasast, North 24 Paraganas, of the respondent. Apartment No. ND/B/3/8A (type A) of Bagesree (HIG) Block -3 at 8 th Floor , Area -1196 Sq.ft (approx) in the said Housing Project was allotted to the complainant by the respondent vide allotment letter bearing Reference No. NDB/103/1 dated 17.01.2013.
The Complainant paid total Rs. 995273.
The flat was scheduled to be delivered by 17.1.2017.
The respondent did not deliver the flat 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) a decree for refund of Rs. 9,95,273 received as advance towards Application and Allotment money with interest at the rate of 18% per annum including compensation, from the date of receipt till the date of decree;
 - ii) further interest at the rate 18 % per annum on the decretal amount till realization;

FORM 'J'
See rule 36(1)

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- iii) rescission of the said Allotment Letter dated 17.01.2013 and agreement thereto entered into between the complainant and the respondent;
- iv) cost of the suit;
- v) such further and other relief or reliefs as may deem fit and proper;

(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:
yes

Pending final decision on the complaint the complainant seeks issue of the following interim order:
an interim order directing the respondent to pay the complainant a lump sum amount of Rs. 5,00,000 towards refund of the advance payment subject to adjustment from the final decretal amount,

The reason for praying such interim relief is that the complainant is planning to invest in some other suitable property but running acute shortage of fund due to the huge money blocked with the respondent.

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

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

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)

money receipts

FORM 'J'
See rule 36(1)

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Verification

I **Kallol Majumdar** son / daughter of **Late Gopaldas Majumdar** 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 : *Serampore*

Date : *22.04.2021*

K Majumdar
Signature of the applicant(s)