

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 1/31/2020

Date of receipt by post : _____

Complaint No. : COM000279

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

SHANE GOMEZE Complainant(s)

And

Evania Infrastructure Private Limited and 6 others Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :
 - (i) Name of the complainant : SHANE GOMEZE
 - (ii) Address of the existing office / residence of the complainant : 91/36E, Bose Pukur Road Kolkata - 700042, Kolkata, Kasba, 700042
 - (iii) Address of the service of all notice : 91/36E, Bose Pukur Road, Kolkata - 700042
2. Particulars of the respondents:
 - (i) Name(s) of the respondent : Evania Infrastructure Private Limited and 6 others
 - (ii) Office address of the respondent : 86, Golaghata Road, Jamuna Apartment, 1st Floor, Kolkata - 700048
 - (iii) Address for service of all notices : 86, Golaghata Road, Jamuna Apartment, 1st Floor, Kolkata - 700048
3. 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:

As per Facts of the case and grounds attached.

(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) :

 - a. That the entire amount of Rs. 1,50,000/- paid by the complainant be refunded by the respondent along with due interest calculated at the rate of 12% thereon from the date of receipt of payment till the date of refund since the booking was taken on account of sheer misrepresentation from the respondent and therefore the respondent is bound to refund the entire amount along with interest in view of the proviso to section 12 of the Act.
 - b. That the complainant be compensated by the respondents for unnecessary harassment faced by the complainant
 - c. That the respondents be penalised under section 59 of the Act for contravening the provisions of Section 3(1) of the Act by advertising the project and accepting bookings without registering the project with the HIRA Authority.
 - d. That the respondents be penalised under Section 61 of the Act for contravention of Section 12 and section 13 of the Act since the respondent convinced the complainant to book a bungalow on the basis of a sheer false statement that loan shall be arranged at an interest rate of 7 percent and also the respondent accepted cheques amounting to Rs. 6,04,800/- which far exceeded 10 percent of the total cost of the bungalow.

FORM 'J'
See rule 36(1)

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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:
Yes.

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

An Order directing the respondents to give effect to the reliefs claimed under sl. no. (a) and (b) and simultaneously imposing applicable penalty on the respondent in lieu of relief claimed vide sl. nos. (c) and (d) in paragraph 5 above.

(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.

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)

Application for Provisional allotment

Booking application form

Facts of the case

Four Cheques

Grounds

Letter written by the complainant to the respondent

Receipt vouchers

FORM 'J'
See rule 36(1)

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Verification

I SHANE GOMEZE son / daughter of JOSEPH EDWARD GOMEZE 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 : KOLKATA

Date : 31/01/2020


Signature of the applicant(s)