

FORM 'J'  
See rule 36(1)

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

For use of Authority(s) office :

Date of filing : 8/25/2020

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

Complaint No. : COM000476

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

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

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

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

Between  
PALLAVI CHOWDHURY Complainant(s)  
And  
DHARITRI INFRAVENTURE PRIVATE LIMITED Respondent(s)

**Details of claim :**

- Particulars of the complainant(s) :
  - Name of the complainant : PALLAVI CHOWDHURY
  - Address of the existing office / residence of the complainant :
  - Address of the service of all notice : 46 A, PAIKPARA ROW, KOLKATA-700 037, P.O- BELGACHIA, P.S- CHITPUR
- Particulars of the respondents:
  - Name(s) of the respondent : DHARITRI INFRAVENTURE PRIVATE LIMITED
  - Office address of the respondent : EKAJUL, PATHARGHATA, NEW TOWN ,North 24-Parganas,Rajarhat Rajarhat,West Bengal,700135
  - Address for service of all notices : DN-51, MERLIN INFINITE, UNIT-606, SECTOR V, SALT LAKE CITY, KOLKATA-700 091
- 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:

We booked a flat No 3A, Tower No 38 , admeasuring 375 sqft in their previous project namely "Malabar Residency " on 30th April ,2017 .The booking was done on the name of Pallavi Chowdhury and Ruma Chowdhury with an amount of Rs 1,51,875/- and application kit charge of Rs 500/- , vide through bill / memo no 584, 715, 717 and 727 (Drawn on the name of " Aspirana Infraventure Pvt Ltd.) . Subsequently a MOU was signed between the company namely " Aspirana Infraventure Pvt Ltd" and us dated on 17th August ,2017 . On 10th September, 2018 their concerned sales person Mr Sandeep Kumar (Mob No 9831334779) let us know that due to some contingent reason they would not be able to pursue the desired project namely " Aspirana Malabar Residency" at the place that you mentioned in the MOU dated 17th August,2017 , signed between the company and us and hence fore they have shifted our booking and relocated our booking at another of their project namely "Royal Enclave Phrase 1". We co operated fully with them and made a further payment of Rs 31,250/- towards the extra sqft ( for approx 75 sqft at the rate Rs 2025/ sqft) they offered in the relocated booking in the project namely "Royal Enclave Phrase 1" vide through a bill / memo numbered 193 dated 20-11-2018 (drawn on the name of Dharitri Infraventure Pvt Ltd). Subsequently an Agreement for Flat was signed between another of their company ( Dharitri Infraventure Pvt Ltd ) and us dated on 21st September, 2018, and we were reallocated Flat no 3B , Bock NO 17, Tower 43 in the project namely "Royal Enclave Phrase 1" and thereby they have also acknowledged that they have duly received Rs 1,82,250/-.On our recent visit dated on 10th July, 2020, to the site we come to see that there is no progress in the project named "Royal Enclave Phrase 1" also. It is in the same condition as we witnessed it in September, 2018 , at the time of our booking. Since then approx 2 years has passed but still only foundation of 3/ 4 Blocks are don

FORM 'J'  
See rule 36(1)

COMPLAINT TO AUTHORITY  
Complaint under section 31 of the Act

(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) :  
As our allocation of Flat is in Block No 17, it is just impossible to build the entire project, even the Block no 17 , within the time mentioned ( That is 31st December,2020) in the Agreement dated 21st September, 2018 . We have already called Mr Sandeep several times to cancel our booking but no fruitful answer we received from their end . We have also mailed them on 16-08-2020 but no reply we receive till date.  
We want to cancel our booking with 100% refund of our booking amount, that is Rs. 1,83,625/- along with applicable interest calculated from 30-04-2017 and an amount of Rs 50,000/-compensation for our mental agony and harassment during this whole period.

(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:

We want immediate cancellation with 50% refund of booking amount, that is Rs 91,812/-.

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

My mother, Mrs Ruma Chowdhury , co applicant of the agreement is suffering from brain tumor and hence fore the money is urgently needed for her medical treatment purpose.

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

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

I do hereby declare that no case/ proceeding is pending before the adjudication of any court/ forum/ tribunal regarding this matter.

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)

Letter to shift our booking to Royal Enclave Phrase I

Money Receipts and Photos of Cheques

MOU signed between Aspirana Infraventure and us

Photos at our recent visit to the site

Provisional Allotment letter provided to us at the time of first booking at Malabar Residency

Sale Agreement between Dharitri Infraventure and us for Royal Enclave Phrase I flat

FORM 'J'  
See rule 36(1)

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

Verification

I PALLAVI CHOWDHURY son / daughter of PARTHA CHOWDHURY 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 : *26-08-2020*



Signature of the applicant(s)