

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 : 1/8/2020

Date of receipt by post : _____

Complaint No. : COM000235

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Sita Ram Tibrewala Complainant(s)

And

Shristi Housing Development Private Limited Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Sita Ram Tibrewala
- (ii) Address of the existing office / residence of the complainant : FE - 444, Sector - III Salt Lake, Bidhannagar (M), North 24-Parganas, Bidhannagar Municipal Corporation, Bidhannagar (South), 700106
- (iii) Address of the service of all notice : 122/40, J. N. Mukherjee Road, Ghosuri, Howrah - 711107

2. Particulars of the respondents:

- (i) Name(s) of the respondent : Shristi Housing Development Private Limited
- (ii) Office address of the respondent : Plot No. X - 1, 2 & 3, Block - EP, Sector - V, Salt Lake City, Kolkata - 700091
- (iii) Address for service of all notices : Registered Office: Plot No. X - 1, 2 & 3, Block - EP, Sector - V, Salt Lake City, Kolkata - 700091

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:

We had booked Service Apartment in Wing B on the 15th Floor through application no. 00042 dated 29/10/2011 at project "THE V" in New Town, Kolkata. Our application was accepted and subsequently under the accelerated payment plan we were raised demand note dated 28/12/2011 for Rs.2,44,34,391/- including tax. Out of which we had paid Rs.2,44,00,000/- between 29/10/2011 and 10/12/2012.

The possession of the above apartment was due in the second quarter of 2013 with a grace period of 6 months. However as of now i.e., even in January 2020, the project is stalled no work is going on and the developers are not clear when the project will be delivered. We had approached the developer praying that we have waited for possession for a reasonable period of time for more than seven years and we do not want to wait any further and requested them to refund all my payments made to them along with interest as governed by RERA provisions for refunds.

But they are not cooperating with us and all requests have been turned down and fallen on deaf ears.

We hope WBHIRA takes up our case with the management of the V and provides us the necessary relief.

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

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5. Relief(s)

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) :

As per order by various courts of India including the honorable Supreme Court of India home buyers cannot be made to wait indefinitely and the National Consumer Disputes Redressal Commission (NCDRC) has held that the buyers can seek refund if possession is delayed by one year beyond the date promised by the builder. NCDRC has through different cases have directed builders to refund all deposits in case of delay for more than one year along with interest ranging from 10.45% to 12% .

We have waited for possession for a reasonable period of time for more than 7 years, now we do not want to wait any further and refund all our payments of Rs.2,44,00,000/- along with interest 12%.

(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:

Pending final decision on the complaint the complainant seeks issue of the following interim order:
Pray to refund all our payments to the V of Rs.2,44,00,000/- along with interest 12% per annum.

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

7. Complainant not pending with any other court, etc:
No, we have not approached any other court till now.

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)

Demand Note

Payment Summary

Verification

I Sita Ram Tibrewala son / daughter of Late Behari Lal Tibrewala 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 : 11/01/2020

For Visanu Infra Realtors Pvt. Ltd.

Sitaram Tibrewala
Director

Signature of the applicant(s)