

COMPLAINT TO AUTHORITY  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/2/2021

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

Complaint No. : COM000774

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

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

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Sudip Pal Complainant(s)

And

IDEAL AURUM NIRMAN LLP Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Sudip Pal
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice : 28/3A, Gariahat Road, Kolkata- 700029

2. Particulars of the respondents:

- (i) Name(s) of the respondent : IDEAL AURUM NIRMAN LLP
- (ii) Office address of the respondent : 162, SONARPUR STATION ROAD DAKHIN KUMRAKHALI, NARENDRAPUR, KOLKATA, South 24-Parganas, Sonarpur Sonapur, West Bengal, 700103
- (iii) Address for service of all notices : Anuj Tulsyan  
IDEAL AURUM NIRMAN LLP  
50, Jawaharlal Nehru Road  
11th floor  
Kolkata- 700 071

3. Jurisdiction of the Authority : South 24-Parganas

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

That I have booked a flat at Ideal Aurum (Registration No. HIRA/P/SOU/2018/000144) for an amount of Rs. 3,51,278/- against which I have received Allotment Letter from Ideal Aurum Nirman LLP (copy enclosed as attachment)

That before entering into any agreement for sale with the aforesaid company I have gone through the draft copy of Agreement for Sale (copy enclosed as attachment) provided by the aforesaid Company and has found the following in Clause (iii) of Para 8 of the AGREEMENT FOR SALE-

"There are no other litigation pending as of this date before any court of law or authority with respect to the said Land/Project or the Apartment, excepting a suit, being Title Suit No. 130 of 2012 before the Court of the Ld. Civil Judge (Sr. Division) at Baruipur. Such suit has no merit as the Owner has purchased the entirety of Project Land from West Bengal Finance Corporation under a Deed of Sale dated 21st January, 2008."

That after learning about the aforesaid suit I have enquired regarding the pendency of the suit via mail on 03/10/2020 (Screenshot Attached) at the Mail ID provided by the Company. After that I called the Representative of the Company a number of times over telephone and she finally arranged a call with the Lawyer of the Company over telephone on 15/10/2020 and he has confirmed that aforesaid Title Suit No. 130 of 2012 before the Court of

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See rule 36(1)

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and also claimed for refund of the booking amount of Rs. 3,51,278/-.

That I called the representative of the Company a number of times and she assured me that the money will be refunded within due time via mail dated 09/12/2020(Screenshot Attached). But I have not received my money 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) :  
To direct Ideal Aurum Nirman LLP to refund my booking amount of Rs. 3,51,278/- at the earliest.

(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:

(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).

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)

Allotment Letter & Money Receipt

Draft Copy of Agreement

Mail dated 03.10.2020

Mail dated 09.12.2020

Mail dated 15.10.2020

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**Verification**

I **Sudip Pal** son / daughter of **Sibnath Pal** 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 : 02/09/2021

Sudip Pal

Signature of the applicant(s)