

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 4/21/2021

Date of receipt by post : _____

Complaint No. : COM000721

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Rana Sengupta Complainant(s)
And
IDEAL REAL ESTATES PRIVATE LIMITED Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Rana Sengupta
- (ii) Address of the existing office / residence of the complainant : B-64 Rabindra Nagar P.O. Bartala, South 24-Parganas, Thakurpukur Mahestola, Rabindranagar, 700018
- (iii) Address of the service of all notice : B-64 Rabindra Nagar P.O. Bartala
Kolkata - 700018
West Bengal

2. Particulars of the respondents:

- (i) Name(s) of the respondent : IDEAL REAL ESTATES PRIVATE LIMITED
- (ii) Office address of the respondent : IDEAL REAL ESTATES PVT LTD
- (iii) Address for service of all notices : IDEAL REAL ESTATES PVT LTD
50 Jawahar Lal Nehru Road
PS: Shakespeare Sarani
Kolkata - 700071

3. Jurisdiction of the Authority : Kolkata

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

I had booked an apartment at Ideal Greens Project, Eucalyptus Tower Flat 15B with date of allotment on 1st June 2015 and the sale agreement signed with the builder (Vendor) Ideal Real Estate Pvt Ltd on 17th Oct 2015. The project was scheduled to be completed on Oct 2018 as per the sale agreement para 9.5, and I have already given the payment of INR 8,359,748.00 to the Vendor for the construction as per the sale agreement payment schedule. I had borrowed SBI Home Loan of 60 Lacs to fund this purchase. However, the Vendor has failed to construct the project as per the agreed schedule and given multiple excuses for the delay and postponed the construction and delayed the complete project. The Eucalyptus Tower itself has not been constructed till date of April 2021 and currently there is no sign of construction progress in the project site. Considering this massive delay of project completion, I had send an email to Ideal (Vendor) with request for cancellation of booking and refund of complete payment on 28th Jan 2021 following a face 2 face meeting on 3rd Feb 2021 at Ideal Office. The Vendor (Ideal) had agreed for cancellation and refund the complete payment and sent a confirmation email on 6th March 2021 with a refund schedule. However the Vendor (Ideal Real Estate Pvt Ltd) has failed to keep the commitment for refund and till date the refund is awaited even after numerous emails, calls and messages to concerned persons of Ideal. I am under deep financial stress as due to the delay of the project, I had to stay in rented accommodation and also

FORM 'J'
See rule 36(1)

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continue the bank loan EMI every month without any tangible results from Ideal Greens project which is completely stalled now. Now my landlord has asked me to evacuate the rented accommodation and I need the refund to arrange other accommodation.

(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 need the complete refund of my payment INR 8,359,748.00 from the vendor Ideal Real Estate Pvt Ltd for the cancellation of Ideal Greens Project, Eucalyptus Tower Flat 15B apartment within next 6 months.

(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:
I need minimum 50% of the requested total refund amount that equals to INR 40,000,00.00 immediately within 45 days and rest within 6 months. This refunded amount will be used to close the SBI Home Loan outstanding to close the loan liability.

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

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

I confirm that, the matter regarding this complaint has been made is not pending with any court of law or any other authority or any other tribunals.

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)

Agreement for Refund

allotment letter

Refund payment schedule

sale agreement part 1

sale agreement part 2

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Verification

I Rana Sengupta son / daughter of Dilip Sengupta 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 : 21/APR/2021

Rana Sengupta

Signature of the applicant(s)