

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 10/9/2019

Date of receipt by post : _____

Complaint No. : COM000159

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
abhishek jana Complainant(s)
And
CHITRAHILL REALTY Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : abhishek jana
 - Address of the existing office / residence of the complainant :
 - Address of the service of all notice : 6 Ram Ratan Bose Lane, Kolkata - 700004
Near Shyambazar CESC
- Particulars of the respondents:
 - Name(s) of the respondent : CHITRAHILL REALTY
 - Office address of the respondent : BH-50(88) RABINDRA SARANI, North 24-Parganas, NA Nimta, West Bengal, 700049
 - Address for service of all notices : MOUNTHILL REALTY.PVT.LTD.

Next to Hyatt Regency, Between Gate No 1 & 2,
Salt Lake Stadium, Salt lake City, Kolkata - 700098
Phone : 9903077777 / 8981808080

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:

I booked a flat through N K Resltors Pvt Ltd in the Said project (Flat No-R-4/3, 4th Floor, Wing R) vide Sale agreement dated 20th June 2014, As per Agreement the delivery period of Flat was 42 Months from Sale Agreement date.(+6 Months Grace Period). As per agreement i was supposed to get my Flat in June 2018. However They send me a letter in the Month of May 2018 stating that due to some reason they want an extension period of another 1 Year which has already crossed in the MOnth of May 2019. But till now they have not given any proper communication regarding hand over of my Flat. Also when i communicated with the builder they are saying they will not be able to hand over the Flat prior to July 2020. At Present i am paying almost the Entire EMI of my home loan and also I stay in Rent i am paying a monthly rent of 12500/- . Being a middle class family, It is getting very difficult for me to bare all the Expenses.

I requested for cancellation of my said flat to builder almost 2 Months back and not getting any responses from their end. And after a long follow up they replied that they will refund me the amount after deducting 10% of total amount. Where As the agreement says that, if the builder is unable to handover the flat in time the buyer has right to cancel the agreement and builder will refund the full amount including the Interest rate within 3 Months. Even after communicating the same to builder, they have not given any reply on that and also they are not picking up calls and not responding as all.

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(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)

1. Cancellation of Agreement
2. Refund of my money including interest rate as per the clause 11.2 in sale agreement within the time mentioned in the agreement.
3. Penalty for delay in possession till the refund of my money paid to builder.
4. Legal Expenses
5. Any other reliefs the said authority thinks suitable and proper in the interest of justice.

(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:

Cancellation of Agreement and Refund of my money including interest rate as per the clause 11.2 in sale agreement within the time mentioned in the agreement.

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:
No

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)

Email Communication copy with Builder

Verification

I abhishek jana son / daughter of Pradip Kumar Jana 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 : 19-10-2019


Signature of the applicant(s)