

**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 : 3/1/2021

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

Complaint No. : COM000666

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

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

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

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

Between  
SURMIT DE Complainant(s)  
And  
IDEAL REAL ESTATES PRIVATE LIMITED Respondent(s)

**Details of claim :**

1. Particulars of the complainant(s) :
  - (i) Name of the complainant : SURMIT DE
  - (ii) Address of the existing office / residence of the complainant : PLOT NO.-1, CIT SCHEME NO.-143 SANKAR BOSE ROAD, EXTENSION, Kolkata, Kolkata, New Alipore, 700027
  - (iii) Address of the service of all notice : KUSHAGRA SHAH - Advocate, 10, Old Post Office Street, 3rdFloor, Room No. 92, Kolkata-700001, kushagra.shah@gmail.com (M) 9831047935
2. Particulars of the respondents:
  - (i) Name(s) of the respondent : IDEAL REAL ESTATES PRIVATE LIMITED
  - (ii) Office address of the respondent : 591A, MOTILAL GUPTA ROAD ,Kolkata,Kolkata Haridevpur,West Bengal,700008
  - (iii) Address for service of all notices : IDEAL REAL ESTATES PRIVATE LIMITED, 50, JAWAHARLAL NEHRU ROAD, 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:

This complaint is from the undersigned regarding non-allotment and refusal to give possession of flat that had been booked and paid fully by me to the developer - IDEAL REAL ESTATES PVT LTD for their IDEAL GREENS project with WBHIRA registration of HIRA/P/KOL/2018/000212 and project id NPR-00328. My booking was done for a consideration of Rs 54,40,543/- and by allotment letter dated 03.09.2014, the developer allotted a 1320 sqft 2 bhk flat being Flat 14F in IVY at IDEAL GREENS. I have made payment of Rs. 3,06,177/- (after TDS) by cheque on 10.09.2014, for which receipt# 20 was issued. Again, on 24.10.2014, I have made another payment of Rs. 50,76,868/- (after TDS) by cheque on 24.10.2014, for which receipt# 87 was issued. Thus the total consideration amount was fully paid by me in 2014 itself. The handing over of possession of the said flat was scheduled in April 2018 but the Developer failed to handover possession of the same. However, in spite of my repeated communication the developer has not made arrangements to deliver possession of the same with arrangement for registration, nor have they agreed to return the sum paid by me as advance; even

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though 5 years have gone by.

Apart from numerous phone calls and other communication in the past, I had sent reminder mails on 22-Dec-2020, 06-Jan-2021 and 16-Jan-2021 to the developer, asking for cancellation of the booking said apartment and refund my entire amount along with 18% interest from my date of payment since possession was to be given by April 2018. However, neither any reply nor any refund of amount has been forthcoming from them.

(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 pray for refund of the said amount along with interest @ 18% p.a.

(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:

Yes

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

The promoter should put the consideration paid by me - total of Rs 54,40,543/- - in an escrow account till the disposal of the complaint.

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

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

Issue is not raised before any other forum.

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

Delivery date

Mail to developer - not replied by them

Payments

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**Verification**

I **SURMIT DE** son / daughter of **SAMIR KUMAR DE** 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 : 1-Mar 2021



**Signature of the applicant(s)**