

**COMPLAINT TO AUTHORITY**  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 4/4/2021

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

Complaint No. : COM000708

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

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

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

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

Between

SUBHAMOY GHOSH Complainant(s)

And

MATRIX CONSTRUCTION Respondent(s)

**Details of claim :**

1. Particulars of the complainant(s) :

(i) Name of the complainant : SUBHAMOY GHOSH

(ii) Address of the existing office / residence of the complainant : Village – Sahapur Bazarpara PO Sahapur, Maldah, English Bazar, English Bazar, 732142

(iii) Address of the service of all notice : Village – Sahapur Bazarpara, PO Sahapur, District – Malda, West Bengal - 732142.

2. Particulars of the respondents:

(i) Name(s) of the respondent : MATRIX CONSTRUCTION

(ii) Office address of the respondent : 2/1B/1 BIDHANNAGAR ROAD ,Kolkata,Kolkata Ultadanga,West Bengal,700067

(iii) Address for service of all notices : Dharitri Infraventure Private Limited, DN-51 merlin Infinite Building, Sector-V, Salt Lake City, Kolkata - 700091.

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 us (SUBHAMOY GHOSH and JALI GHOSH) regarding non-allotment and refusal to give possession of flat that had been booked and paid fully by us to the developer - DHARITRI INFRASTRUCTURE PVT LTD for their ROYAL ENCLAVE project with WBHIRA registration of HIRA/P/NOR/2019/000344 or HIRA/P/NOR/2020/001017 and project id NPR-00536 or NPR-01150.

My original booking was with ASPIRANA INFRAVENTURE PVT LTD in 2016 for their MALABAR RESIDENCY project. Between 14.10.2016 and 02.01.2017, I have made net payment of Rs. 2,65,500/- by cheques, as 20% advance payment for the flat.

On 31/10/2018, the company had recognized me as client and informed me that they are commencing construction. However, seeing no real progress, we had complained to the developer and they had given us two cheques drawn on State Bank of India dated 14/08/2018 and 13/09/2018 of Rs 122000/- and Rs 122500/- numbered 279549 and 279550 respectively with validity of 3 months; but at the same time asked us not to encash them immediately and keep them as security for project completion.

Thereafter, the project was merged with DHARITRI INFRASTRUCTURE PVT LTD, and the project site was shifted to NEW ROYAL ENCLAVE at Rajarhat, Dist. North 24-Parganas; whereafter by a letter dated 20.10.2018 we had consented to accept our flat at the relocated site. Due to this assurance, we did not encash the aforementioned cheques.

Thereafter, we had received a letter dated 31.10.2018 from the Manager, Client Support of DHARITRI

*Subhamoy Ghosh.*

FORM 'J'  
See rule 36(1)

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Complaint under section 31 of the Act

INFRASTRUCTURE PVT LTD that we have been allotted a 750 sqft flat being Flat-B, 4th Floor, Tower – 8, Block No - 2 at ROYAL ENCLAVE PROJECT, with BSP of Rs 18,22,500/-.

(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) :

But again down the line, we received another letter from DHARITRI INFRASTRUCTURE PVT LTD dated 31/12/2019 that we have been allotted a 750 sqft flat being Flat-3D, Tower – 30, at ROYAL ENCLAVE PROJECT, it is to be noted that no BSP is mentioned therein nor have we been told of any increase in price. But it is mentioned that all previous allotment letters and MoUs and all other previous documents stand cancelled.

However, in spite of our repeated communication, the developer has not made arrangements to deliver possession of the same against the remaining payment, nor have they agreed to return the sum paid by us as advance, except for a small sum of Rs. 40000/- paid in 2018. I had visited their office in 2018 and they had even asked for my bank account for transferring back the advance paid. I had followed up by email and also several times over the phone. But no refund has been made till date. Verbally the developer have given assurance several times about delivery, but none of them seems to be bearing any fruit.

On top of this, on in 2020, I have received communication from one Suman Biswas of Dharitri Infrastructure, that the sale price of the flat has been increased from Rs. 15,18,750/- to Rs. 17,62,500/- even though the size is reduced from 900 to 750 sqft; and the booking amount has also be upped to Rs 3,37,500/-; and that I should pay the additional booking money at the earliest; and only after paying this amount would a new MoU be drawn up.

Hence we pray for refund of the said amount to us as we are not at all comfortable with the repeated change in flat allotment, arbitrary price increase, sudden imposition of new unilateral terms, complete disregard for delivery dates and unending delay by the developer.

(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 money to be refunded should be collected from the developer by the WBHRA authority pending final disposal of the matter; so that if the outcome is favourable to me then the money can be immediately released to me.

(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)

Allotment

Subhamoy Ghosh

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See rule 36(1)

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**Verification**

I **SUBHAMOY GHOSH** son / daughter of **SUBRATA GHOSH** 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 :**

**Date :**

*Subhamoy Ghosh.*  
Signature of the applicant(s)