

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 7/16/2019

Date of receipt by post : _____

Complaint No. : COM000099

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Prakash Ghosh Complainant(s)

And

FTC CONCRETE PRIVATE LIMITED Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Prakash Ghosh

(ii) Address of the existing office / residence of the complainant : 58 Dwaipayan Pally DP Nagar, North
24-Parganas, Barrackpur - I, Belgharia, 700056

(iii) Address of the service of all notice : 58 Dwaipayan Pally
DP Nagar
Belgharia
Kolkata 700056
Mobile 9332017796

2. Particulars of the respondents:

(i) Name(s) of the respondent : FTC CONCRETE PRIVATE LIMITED

(ii) Office address of the respondent : 32, M.D. KALACHAND ROAD Sodepur Ghola, North
24-Parganas, Barrackpur - I Ghola, West Bengal, 700111

(iii) Address for service of all notices : Plot No G 2
Block Gp
Sector 5 Space Xi 15th Floor Tower 1
Kolkata 700091

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 bought a two BHK flat along with car parking space which was registered on 11th June, 2018 but the agent is constructing additional floor due to which the project is turned to work in progress condition, consequently I could not be shifted to the flat.

I booked the flat and covered car parking in the above project by paying Rs 2,00,000/- during the month of August, 2017, through Somani Realtor Private Limited, marketing agent of FTC Concrete Private Limited, the developer. At the time of booking super structure/construction of the buildings was almost complete. The marketing agent assured me at the time of booking that the entire project would be completed by March, 2018. During the month of October, 2017 I paid another Rs. 2,70,000/- plus Rs. 7,500/- on account of legal charges.

Finally I registered the flat on the above mentioned date taking a loan from LIC Housing Finance Limited.

After registration of the flat when I am ready for shifting and waiting for completion of the pending works like lift, main gate and usable common space, the construction of additional floor was started. Because of the construction

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of additional floor the completion of the project became delayed.

I compelled to register the flat even though the mentioned works were pending because of the followings

1. I stay in rented premises at Belgharia, rent agreement of which completed on March, 2018, wanted to be shifted to the flat as early as possible.

2. I am working in a chartered firm in Kolkata. I frequently go outstation for my office work. Since I frequently go outstation and the flat was not completed the registration was delayed and cheque which was issued by LICHFL was stalled.

3. After that I applied to LICHFL to issue a fresh cheque. Accordingly, they issue a fresh cheque.

4. I deposited registration fees and stamp duty (total approx Rs. 2,00,000) to the Govt of West Bengal through online which was about to expire.

5. The developer verbally committed for completion.

(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. I paid the entire purchase value of the flat and covered parking to the developer and incurred incidental charges like stamp duty, property registration fees etc but due to non completion of pending works and construction of additional floor I could not enjoy the property for which I made the payments.

2. After starting of the construction of additional floor, in meeting with the developer during the month of September, 2018 the developer committed that he would pay compensation in case I could not be shifted to the flat. From the above, I pray for interest of the above payments for the delayed period.

(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:

Presently I am residing in a rented premise, rent agreement of which has already been expired. In this situation I pray for any kind of order for completion of the pending work so that I can be shifted to the flat.

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:

I further declare that the above matter regarding which the complaint has been made is not pending before any court of law or any other authority or any other tribunal(s).

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)

Documents relating to registration

FORM 'J'
See rule 36(1)

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Verification

I **Prakash Ghosh** son / daughter of **Late Purna Chandra 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 : *Kolkata*

Date : *16/07/2019*

Prakash Ghosh
Signature of the applicant(s)