

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 : 1/16/2022

Date of receipt by post : _____

Complaint No. : COM000796

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

SHYAMAL SINHA Complainant(s)

And

DTC Projects Pvt. Ltd. Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : SHYAMAL SINHA

(ii) Address of the existing office / residence of the complainant :

(iii) Address of the service of all notice : 2B LOKNATH VIEW, 100 BANOMALI NASKAR ROAD, BEHALA, KOLKATA.

2. Particulars of the respondents:

(i) Name(s) of the respondent : DTC Projects Pvt. Ltd.

(ii) Office address of the respondent : Diamond Harbour Road Beside Vivekananda Mission School, Near IIM Calcutta, South 24-Parganas, Bishnupur - I Bishnupur, West Bengal, 700104

(iii) Address for service of all notices : DTC PROJECTS PVT LTD, 1st FLOOR, 1 N.S. ROAD, KOLKATA-700060

3. Jurisdiction of the Authority : South 24-Parganas

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

Ref. WBHIRA final order, vide COM00352, dtd 18.03.2020

Complainant: Shyamal Sinha

Respondent: DTC PROJECT PVT LTD, 1, N.S. Road, Kolkata-700001.

Final order compliance by DTC:

To compensate complainant Shri Shyamal Sinha for late delivery of flat @SBI PLR+2% for the period from schedule date of expiry for the possession of the flat to the date of receipt of possession notice.

Schedule date of delivery of flat by DTC 31st May'2018.

DTC's mail for possession to the owners of 1st phase: dtd.21.02.2020.

Actual possession date: October'2020

(Possession delayed due to anomalies in the demand invoice, unsanctioned car parking space provision and not restoring different defects of flat raised in several complain)

Grievance: DTC till date has not complied instruction given for compensation to the Complainant at the rate of interest and period as mentioned in the order COM00352 dtd. 18.03.2020

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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) :

Prayer: DTC must immediately comply the order by paying compensation as per instruction of the order.

Further, due to failure of giving compensation by due date they must give further compensation amount as decided by Id WBHIRA Authority for the period w.e.f 16th May 2021(45 days after date of serving final order by Id.HIRA Authority) to the date of giving compensation.

(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:

Interim order is prayed for by giving instruction to DTC to pay compensation as per instruction of the order.dtd.18.03.2020 immediately to Complainant Shyamal Sinha. Further, due to failure of giving compensation by due date it is also prayed for giving instruction to DTC for paying further compensation as per rate decided by Id WBHIRA Authority for the period w.e.f 16th May 2021to the date of giving compensation.

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

As above

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

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

Yes

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)

WBHIRA FINAL ORDER COM000352 dtd 18.03.2020

Verification

I **SHYAMAL SINHA** son / daughter of **Late Makhan Lal Sinha** 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 : 17.01.2022


17.01.22

Signature of the applicant(s)