

For use of Authority(s) office :

Date of filing : 9/18/2019

Date of receipt by post : _____

Complaint No. : COM000146

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Kunal Kumar Sen Complainant(s)

And

Usashi Realstates Pvt. Ltd Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Kunal Kumar Sen
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice :

2. Particulars of the respondents:

- (i) Name(s) of the respondent : Usashi Realstates Pvt. Ltd
- (ii) Office address of the respondent : 81, Golaghata, VIP Road, Flat 18, Radhakunj Apartment, Near BIKA Banquet, Kolkata- 700048 Phone- 033-65555050, 09836414114.
- (iii) Address for service of all notices :

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:

Dear Sir,

We are writing to register a complaint against Usashi Realstates Pvt. Ltd.

The facts of the case briefly are as follows:

1. Till date we have invested Rs. 17,61,001/- in the residential project Usashi Prince Town Platinum, a project of Usashi Realstates Pvt. Ltd. for 2 row houses vide application number PTP0096/2016 and PTP0097/2016.
2. No agreement was signed despite repeated reminders and we have found that the project has been closed down.
3. Our repeated requests for full refund have also gone unheeded.
4. Kindly help us get our money back at the earliest, with interest as appropriate.
5. Please find attached copies of all receipts and correspondence with the builders for your perusal.

Thanking you,

Yours sincerely,

Mr. Kunal Kumar Sen and Mrs. Nandini Sen

Enclosures:

- U1. Money Receipt No.02409 dated 05.09.16 for PTP0096/2016 of amount Rs.5,00,000/-
- U2. Money Receipt No.5008 dated 23.07.17 for PTP0096/2016 of amount Rs.378,641/-
- U3. Money Receipt No.02410 dated 05.09.16 for PTP/0097/2016 of amount Rs.20,000/-
- U4. Receipt and Voucher No.541 dated 23.01.17 for PTP/0097 of amount Rs.3,00,000/-
- U5. Receipt and Voucher No.542 dated 23.01.17 for PTP0097 of amount Rs.1,80,000/-
- U6. Money Receipt No.5007 dated 23.07.17 for PTP0097 of amount Rs.3,82,360/-

FORM 'J'
See rule 36(1)

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

U9. (USASHI 1-26) Chronological details of correspondence with Usashi Realstates Pvt. Ltd. and site visits. (all attached and uploaded)

(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) :

Kindly help us get a full refund of the amount invested by us (Rs 17,61,001/-, Rupees Seventeen lakh sixty one thousand and one) in Usashi Prince Town Platinum back at the earliest, with interest as appropriate.

The West Bengal Housing Industry Regulation Act, 2017 (relevant sections)

•Chapter III, Sec18 (1) Functions and Duties of Promoters. According to this if the promoter fails to give possession of the land/plot, apartment/ building as per specifications and on the due date due to reasons including discontinuance of the project, he is liable to return the full amount given by the allottee in addition to the interest as prescribed in the Act including compensation as described in the Act if the allottee wishes to withdraw from the project. Same is reiterated in Chapter III, 19 (4), rights and duties of allottees.

•Chapter I, Sec 2, za (ii) Interest chargeable by the allottee to the promoter will be calculated from the day the amount or part thereof was paid to the promoter to the day of the refund.

(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:

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:

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)

1. Money Receipt No.02409 dated 05.09.16 for PTP0096/2016 of amount Rs.5,00,000/-

2. Money Receipt No.5008 dated 23.07.17 for PTP0096/2016 of amount Rs.378,641/-

3. Money Receipt No.02410 dated 05.09.16 for PTP/0097/2016 of amount Rs.20,000/-

4. Receipt and Voucher No.541 dated 23.01.17 for PTP/0097 of amount Rs.3,00,000/-

5. Receipt and Voucher No.542 dated 23.01.17 for PTP0097 of amount Rs.1,80,000/-

6. Money Receipt No.5007 dated 23.07.17 for PTP0097 of amount Rs.3,82,360/-

FORM 'J'
See rule 36(1)

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

7. Allotment Receipt No.1077 for PTP0096 dated 23.07.17

7A Draft Agreement

8. Allotment Receipt No.1078 for PTP0097 dated 23.07.17

9A Suraj Lamp and Industries vs State of Haryana

Chronological correspondence and visits

Correspondence 12

Correspondence 1

Correspondence 13

Correspondence 10

Correspondence 11

Correspondence 15

Correspondence 16

Correspondence 17

Correspondence 18

Correspondence 19

Correspondence 2



Correspondence 20

Correspondence 21

Correspondence 22



FORM 'J'
See rule 36(1)

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

Correspondence 23

Correspondence 3

Correspondence 4

Correspondence 5

Correspondence 5

Correspondence 6

Correspondence 7

Correspondence 8

Correspondence 9

Verification

I Kunal Kumar Sen son / daughter of Sagar Kumar Sen 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 : 18/09/2019



Signature of the applicant(s)