

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 6/8/2021

Date of receipt by post : _____

Complaint No. : COM000746

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Sanjay Gupta Complainant(s)

And

Bengal Unitech Universal Infrastructure Pvt Ltd Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Sanjay Gupta

(ii) Address of the existing office / residence of the complainant : Flat No 202, Abhilash, 120 A/2, NSC Bose Road, Kolkata, Kolkata, Regent Park, 700040

(iii) Address of the service of all notice : LCG 505B, THE LABURNUM, SECTOR 28, GURGAON, HARYANA 122002

2. Particulars of the respondents:

(i) Name(s) of the respondent : Bengal Unitech Universal Infrastructure Pvt Ltd

(ii) Office address of the respondent : 4. Uniworld City - Horizons, Tower -7, Unit No 001 & 002, Action Area III, Main Arterial Road, New Town, Rajarhat, Kolkata 700156

(iii) Address for service of all notices : 4. Uniworld City - Horizons, Tower -7, Unit No 001 & 002, Action Area - III, Main Arterial Road, New Town, Rajarhat, Kolkata 700156

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:

Bengal Unitech Universal Infrastructure P Ltd has delayed delivery of our apartment for more than ten years. Customer Code: HE0586, Apartment No 2203, 21st Floor, Tower 10, Heights - Uniworld City, Kolkata. Despite many requests verbally (during our site visits) and in writing, we are deeply anguished at the incomprehensible & inordinate delay in the completion & handing over of the captioned property. It has not only put us in severe distress but also caused our old parents/ aged & dependent relatives grave discomfort and displacement. In this regard, we wish to highlight the following:

The original and expected delivery of possession as per the Agreement was 30th November 2009. We have constantly followed up after the original delivery date was missed. We have always received responses with a date in the future & each of these promises were failed.

We provide below a sample list of some of the communication received:

a. Email 15th February 2010 – revised delivery to Q2, 2011

b. Email 29th May 2013 – revised delivery to end, 2014

c. Email 6th July 2014 – revised delivery Q1, 2016

d. Personal meeting with Ms Divya Chandna, June 2015 – revised delivery Mid 2017

e. Email 12th June 2015 – revised delivery Q1, 2017

Per our obligations in the Agreement dated 10th May 2006, we have completed all payments per the stipulated timelines totalling to Rs 57,94,116/- by 15th July 2009.

FORM 'J'
See rule 36(1)

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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) :

- a. Possession of Apartment completed per terms of Agreement to Sell dated 10.5.2006, to be ensured within ninety days of this complaint along with compensation for delay in possession per Article 5 c ii) of the said Agreement to Sell
- b. In the event, the Bengal Unitech is unable to deliver possession per a. above, refund of monies paid along with interest compounded annually plus damages for hardship caused

(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:
N/A

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

(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)

Agreement First Page

Email Correspondence with the Respondent

Last Payment

Sample Letter from Bengal Unitech

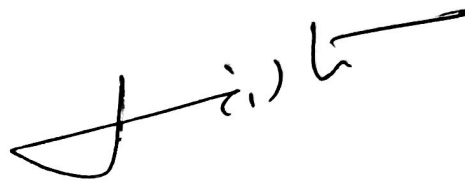
FORM 'J'
See rule 36(1)

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Verification

I Sanjay Gupta son / daughter of Suresh Chandra Gupta 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: GURGAON
Date: 8/6/2021



Signature of the applicant(s)