

**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 : 10/22/2019

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

Complaint No. : COM000166

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

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

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

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

Between  
Pulkit Chandgothia                      Complainant(s)  
And  
M/s Shiv Mahima Developers Private Limited                      Respondent(s)

**Details of claim :**

1. Particulars of the complainant(s) :
  - (i) Name of the complainant : Pulkit Chandgothia
  - (ii) Address of the existing office / residence of the complainant : 21/H Gora Chand Road, Pansheel - 15, P.O. - Park Circus, P.S.- Beniapur, Kolkata, Beniapur, 700014
  - (iii) Address of the service of all notice : Pulkit Chandgothia  
21/H Gora Chand Road,  
Pansheel - 15,  
P.O. - Park Circus, P.S.- Beniapur,  
Kolkata 700014
2. Particulars of the respondents:
  - (i) Name(s) of the respondent : M/s Shiv Mahima Developers Private Limited
  - (ii) Office address of the respondent : 15B Armenian Street, Kolkata - 700007
  - (iii) Address for service of all notices : 15B Armenian Street, Kolkata - 700007
3. Jurisdiction of the Authority : Kolkata Municipal Corporation
4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

I, Pulkit Chandgothia, son of Kamal Kumar Chandgothia and Deepika Chandgothia, daughter of Shrawan Kumar Chandgothia both residing at 21/H Gora Chand Road, Pansheel - 15, P.O. - Park Circus, P.S.- Beniapur, Kolkata 700014, have entered into a Sale Agreement dated 25-January-2017 with M/s Shiv Mahima Developers Private Limited, M/s Tilak Ratan Realtors Private Limited, M/s Brijdhara Properties Private Limited, M/s Mangalgham Realestate Private Limited and M/s Panchkoti Heights Private Limited all having its registered office at 15B Armenian Street, Kolkata - 700007.

We have purchased a Flat (details mentioned below) at project 'Elysium' located at Municipal Premises No. 25. Dr. Ambedkar Sarani, P.S. Topsia, Ward No. 59, Kolkata.

**DETAILS OF THE PURCHASED FLAT:**

A residential Flat No. 2D along with servant quarter on the second floor having super built area of 1977 square feet together with terrace having built up area of 130 square feet and 1 car park for medium sized car park on the ground floor.

We have paid a total amount of Rs. 8950789/- (Rupees Eighty Nine Lakhs Fifty Thousand Seven Hundred Eighty Nine only) to M/s Shiv Mahima Developers Private Limited as per Sale Agreement.

*Di N. S. Chatterjee*

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We also incurred a cost of Rs. 52157/- (Rupees Fifty Two Thousand One Hundred Fifty Seven Only) towards loan processing and insurance for the above mentioned flat.

As per the agreement the above mentioned flat was to be handover as on March'18 with an extension of further six (6) months. Till date the developer/promoter has not handed over possession.

Also the promoter/developer is constructing extra floor. Thus the common area included in the Super Built up area should decrease proportionately since the salable area has increased.

As per West Bengal Housing Industry Regulatory Act - 2018, all ongoing project (those who have not received Completion Certificate on the date of commencement of this Act needs to register with the West Bengal Housing Industry Regulatory Author

(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) We thus request the WBHIRA authority to get the project registered under WBHIRA Act and comply with the rules of the ACT.

2) We demand interest on delayed possession as per Section 18 of the West Bengal Housing Industry Regulatory Act, 2018.

3) To recalculate the Super Built Up area since the promoter/developer has proposed to construct extra floor and the salable area of the project has increased.

4) Finally we request the authority help us get possession of the said flat at the earliest.

(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:  
None

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)

Sale Agreement

*Chandgobinda*

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Verification

I **Pulkit Chandgothia** son / daughter of **Shrawan Kumar Chandgothia** 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 : 23.10.19

*Chandgothia*

Signature of the applicant(s)