

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 : 9/30/2020

Date of receipt by post : _____

Complaint No. : COM000511

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Gaurav Chandra Complainant(s)
And
M/S CANCUN CONSTRUCTION Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : Gaurav Chandra
 - Address of the existing office / residence of the complainant :
 - Address of the service of all notice : H.1.3, NBCC VIBGYOR TOWER, Action Area-1, Newtown , Near Newtown Bus Stop, Kolkata (W.B) - 700156
- Particulars of the respondents:
 - Name(s) of the respondent : M/S CANCUN CONSTRUCTION
 - Office address of the respondent : 890, UNIWORLD CITY, CHAKPACHURIA ,North 24-Parganas,Rajarhat New Town,West Bengal,700156
 - Address for service of all notices :
- 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:

This is to inform you that I've booked 3 BHK Flat @ 4000 SQFT, area 1210 (FLAT NO- 8, 3'rd Floor, BLOCK - B) in Cancun SKYLARK (Address : Near Unitech Gate 1, Rajarhat, Newtown Kolkata- 700156)project in June 2017 via Indiabulls company and they promised to give the flat possession in July 2020. Since they did frauds related with Govt taxes (GST) so 3BHK flat cost goes out of my budget. When I asked to refund my hard earned money, they told me nearly 10% - 20% of my hard earned money shall be deducted, with no option left, I've to move to 2 BHK.

Mr. Anindito Chatterjee from Cancun group & Mr. Punit Verma from Indiabulls suggest me to shift to 2 BHK (C block, which is C1-002 SQFT 919) with same rate @4000. I agreed to it as no option left and I want to shift ASAP to my own house. Total amount I've paid to Cancun group is 1170500 /- (11 Lakh 70 thousand 500 hundred) through cheque.

Recently in July'20 I've been informed that C block construction has been stopped due to permission related issues (Orientation Change). So I've been asked again to move to B block (2 BHK) same rate @ 4000 SQFT. I agreed to it as nearly 10% - 20% of my hard earned money shall be deducted upon withdrawal as per Cancun group.

From June 2017 my money is blocked and even, they didn't provided me the papers of 2BHK flat.

Last Wednesday (16th Sep'20) I've been called to collect the papers on 19th Sep'20 and when I called Mr. Anindito Chatterjee (Cancun group), I've been told he had left the Cancun group.

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I've been cheated by Cancun group and Indiabulls multiple times. I'm having all conversion records over emails & WhatsApp Chats and payments documents (Cheques) in form of receipts.

(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) :

Seeking your help in getting my hard earned money back which I've paid to Cancun group as project is already delayed and they've recently registered in WB HIRA.
Total amount which I paid to Cancun group is 11,70,500 (Eleven Lakhs, Seventy Thousand and Five Hundred). I want all amount back.

Have attached all supporting documents which I received from Cancun Group & Indiabulls .

(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)

Amount paid 50000 extra to Cancun

Cancun Payment doc

Demand Letter from Cancun

Email communication with Indiabulls and Cancun Group

Money Receipt from Cancun

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Verification

I **Gaurav Chandra** son / daughter of **Kirti Chandra** 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 : *3/10/2020*

Gaurav Chandra

Signature of the applicant(s)