

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/17/2019

Date of receipt by post : _____

Complaint No. : COM000143

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Chitvan Sahgal Complainant(s)

And

Avani Projects Infrastructure Limited Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Chitvan Sahgal

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

(iii) Address of the service of all notice 37/1, STEPHEN HOUSE, 4, B.B.D. BAG (EAST), Kolkata-700 001

2. Particulars of the respondents:

(i) Name(s) of the respondent : Avani Projects Infrastructure Limited

(ii) Office address of the respondent : 59-A, Chowringhee Road, Avani Heights 3rd Floor, Kolkata-700 020

(iii) Address for service of all notices : 59-A, Chowringhee Road, Avani Heights 3rd Floor, Kolkata-700 020

3. Jurisdiction of the Authority :

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

(i) Avani Projects and Infrastructure Limited (formerly AvaniGrihaNirmal Private Limited) (in short "Promoter") is the promoter in respect of the building named as "Sri Avani" at premises No. 60 Ballygunge Circular Road, Kolkata - 700019 (in short "Project"). The current land owners of the Project Land are Vasav Narayan Sahgal and Crossroad Enclave Private Limited.

(ii) The promoter was given a right to develop the land of the Project by the registered Development Agreement dated 9th April 2008. Following the development agreement powers of attorney were from time to time executed in favour of nominees of Promoter.

(iii) A Basement plus ground plus 25 storied building was caused to be sanctioned from the Kolkata Municipal Corporation in the name of the owners. The building comprises of 37 apartments (of which 12 are duplex). 6 apartments (of which 2 are duplex) were allotted to the land owners. 31 apartments (of which 10 are duplex) have been sold to different buyers. The registered Deed of Conveyance in respect of 26 of such apartments have already been executed. For the remaining 5 agreements have been done and the promoters has received the entire consideration but the conveyance has not been executed.

(iv) As on the date of coming into effect of the HIRA, the status and construction of property was that the entire building has been completed structurally and internally except the following works:-

a. Out of 4 lifts that have been installed only 1 is operational and although the lifts shaft and the lift machine with installation for remaining 3 was done but the same are not operational.

b. Partial flooring, partial window work and partial sanitary fitting work in several flats were not completed.

c. The drainage and water connection have not been put into use.

d. Fire safety systems were not completely in place.

e. The completion certificate in respect of the building was not obtained.

f. The building plan which got lapsed was not got renewed

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. Consequences of breach of contract and law, particularly HIRA.
- b. Proceedings against the promoter for non registration of the Promoter under HIRA.
- c. Authority to be given to the Association to complete and finish all pending works upon collecting the requisite amounts from the land owners and flat buyers without affecting their claim to recover the same from the Promoter along with such interest and compensation as to which they may be entitled to.
- d. Direction upon the Promoter to handover all its papers and documents including originals in connection with the Project Land and Project or common areas and installations to the Association.
- e. Proceedings against the Promoter for any wrongful addition or alteration in the building and/or any wrongful contracts or documents executed by the Promoter in respect of an imaginary 26th and 27th floor and any other, if disclosed.
- f. Proceedings for violation of several provisions of HIRA by the promoter.

(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:
Yes, prayed hereunder

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

- (a) For this purpose the HIRA authority should also recommend to KMC to grant relief to the flat owners and the land owners by revalidating the plan of only and only for the purpose of completion the building (B+G+25) and issuance of completion certificate upon the works being done by the Association.
- (b) The aforesaid representation is without prejudice to the rights of the flat buyers and land owners in respect of all their claims monetary or otherwise against the Promoter and all persons connected to the promoter.

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

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

The complainants further declare 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).

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)

Verification

FORM 'J'
See rule 36(1)

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Verification

I **Chitvan Sahgal** son / daughter of **late Jawaharlal Barman** 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 : *17.09.2019*



Signature of the applicant(s)