

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 : 11/25/2020

Date of receipt by post : _____

Complaint No. : COM000554

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Sumit Gobinda Choudhury Complainant(s)

And

RIVERBANK DEVELOPERS PRIVATE LIMITED Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Sumit Gobinda Choudhury

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

(iii) Address of the service of all notice : 247, D.H. Road, Disha Apt., A1, 1st Flr, Thakurpukur, Kolkata - 700063

2. Particulars of the respondents:

(i) Name(s) of the respondent : RIVERBANK DEVELOPERS PRIVATE LIMITED

(ii) Office address of the respondent : Calcutta Riverside, 1 New Bata Road, Batanagar, Maheshtala ,South 24-Parganas,Thakurpukur Mahestola Mahestola,West Bengal,700140

(iii) Address for service of all notices : Calcutta Riverside, 1 New Bata Road, Batanagar, Maheshtala ,South 24-Parganas,Thakurpukur Mahestola Mahestola,West Bengal,700140

3. Jurisdiction of the Authority : South 24-Parganas

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

The promoter has declined to give compensation for delay in handing over the flat purchased by me on the plea that I have made delay in payment of the 1st installment.

Here I am to submit that there was a delay of 15 days in paying my 1st installment but the delay was due to the fact that the promoter deliberately made delay in handing over the Tripartite Agreement between myself, bank and the promoter (which is required for obtaining bank loan) along with the permission for mortgage. In spite of repeated reminder to the promoter the promoter did not hand over the documents within reasonable time causing delay in processing of loan. In this respect the promoter though imposed penalty for delay in my 2nd installment claim, had to drop it from the bill which shows that they have admitted their fault.

It may be also noted that I had till date not defaulted in any of my installment claim.

I am to humbly submit that this was a deliberate on the part of the promoter to delay my first installment payment by not approving the Third Party Agreement in time so that in case of delay in hand over in the flat they will not have to be pay compensation.

(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) :

I would like to request your honour to kindly pass an order directing the promoter to provide me compensation as per clause 11 of the General terms and Conditions since they had deliberately created impediment in getting my

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loan disbursed in time by obstructing handover of my Tripartite Agreement documents and document for permission to mortgage.

(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

Pending final decision on the complaint the complainant seeks issue of the following interim order:
Humble submission before your honour to provide restriction in making claim of the 8th and final installment by the promoters till this case is settled by your honour.

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

7. Complainant not pending with any other court, etc:
No complain is pending with any other court of law

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)

Flag A - Allotment letter

Flag B - LIC Loan

Flag C - General terms and conditions

Flag D - Intimation declining compensation

Flag E -

Flag F

Flag G

Flag H

Flag I Tripartite Agreement

Flag J

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Flag K

Flag L

Statement of facts

Verification

I **Sumit Gobinda Choudhury** son / daughter of **Rajat Gobinda Choudhury** 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 : *25/11/2020*

Sumit Gobinda Choudhury
Signature of the applicant(s)

