

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 1/20/2022

Date of receipt by post : _____

Complaint No. : COM000797

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Ram Kumar Pandey Complainant(s)

And

RIVERBANK DEVELOPERS PRIVATE LIMITED Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Ram Kumar Pandey
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice :

2. Particulars of the respondents:

- (i) Name(s) of the respondent : RIVERBANK DEVELOPERS PRIVATE LIMITED
- (ii) Office address of the respondent : 1 NEW BATA ROAD, BATANAGAR, MAHESHTALA, South 24-Parganas, Thakurpukur Mahestola Mahestola, West Bengal, 700140
- (iii) Address for service of all notices :

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:

1. I approached Riverbank Developers Pvt Ltd. for purchase of a residential apartment in the above premises against which the allotment of the flat was granted to me vide their letter dated 1st March, 2014. Riverbank Developers Pvt Ltd. vide their letter dated 1st March, 2014 has intimated me about the schedule of payment along with applicable additional taxes & charges. On 28th January, 2016 I entered into a tripartite Agreement with Riverbank Developers Pvt Ltd. and IDBI Bank Ltd. for purchasing the above flat.

3. Due to financial crisis, I decided to cancel the above booking as I was in urgent need of funds. I intimated my decision of cancelling the booking to Riverbank Developers Pvt Ltd. vide email dated 17th May, 2019 and requested to refund the amount to me at the earliest after deducting all applicable charges.

4. The final refund amount as indicated by Riverbank Developers Pvt Ltd. vide their email dated 25th June, 2019 was Rs 15,95,620/- which was agreed by both the parties, and I made repeated requests through mail & telephonic conversations for refund of the same. As I was in urgent need of funds I agreed to the above refund amount immediately so that I can have the funds at the earliest and requested to pay the amount to me. I got another email dated 4th May, 2020, where they said cancellation was again confirmed by them after wrongfully & illegally deducting an additional amount of Rs 43,080/- as service tax and CAM charges for which I was not liable; thereby the refund amount was further reduced by the amount specified above.

5. As I was in pressing need, I agreed to the revised amount of refund as stated, although the same was reduced by Rs 43,080/- within one year from the date of first confirmation. No action has been taken till date.

(give a concise statement of facts and grounds for complaint)

5. Relief(s)

FORM 'J'
See rule 36(1)

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In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) :

I would request your kind intervention in this matter so that I can get proper justice & receive my legitimate dues from Riverbank Developers Pvt Ltd at the earliest. I would expect a favourable outcome of my problem if you kindly look into the same.

(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:

I have also lodged this same complaint to CONSUMER AFFAIRS DEPARTMENT OF WEST BENGAL on 30/12/2021.

Pending final decision on the complaint the complainant seeks issue of the following interim order:
No contact/response has been instigated till date.

(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)

Contains documents and email conversations

Verification

I Ram Kumar Pandey son / daughter of Ramesh Pandey 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 : 20/01/2022



Signature of the applicant(s)