

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 : 7/2/2019

Date of receipt by post : _____

Complaint No. : COM000092

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Subhadip Ghosh Complainant(s)
And
Evanie Infrastructure Private Limited Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Subhadip Ghosh
- (ii) Address of the existing office / residence of the complainant : c/o Sukumar Ghosh, Dak Bunglow Road Bidhannagar, West Midnapore, Midnapore Municipality, Midnapore Sadar, 721101
- (iii) Address of the service of all notice : Dr Subhadip Ghosh, Associate Professor, SCS, National Institute of Science Education and Research (NISER), Jatni, Dist: Khurdha, Odisha 752050.

2. Particulars of the respondents:

- (i) Name(s) of the respondent : Evanie Infrastructure Private Limited
- (ii) Office address of the respondent : Mouza: Hudarit P.O.- Rajarhat, North 24-Parganas, Rajarhat Rajarhat, West Bengal, 700135
- (iii) Address for service of all notices : 86, Golaghata, 1st Floor, Jamuna Apartment, VIP Road, behind Venkatesh Banquet, Kolkata-700048

3. 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:

Dear Sir/Madam,

I booked a 3BHK flat at cost Rs 27,60,937 on 06/10/2017 in Evanie Econest project by paying Rs 3,05,063 (i.e., 10% of total flat price) as booking amount (Application no EEN2409). Following the terms & condition, laid by this builder, I paid second instalment of Rs 4,67,999 (i.e., 15% of total flat price) within 45 days from the date of booking. Since then (i.e., after taking 25% of flat cost in two instalments) my builder did not contact me for signing sale agreement. However after my several requests, builder finally signed sale agreement on 9th September 2018. No construction work is started until date. I sent several emails, asking the progress and HIRA registration number of this project, but my emails are simply dodged with irrelevant replies. I am providing you a list, in the evidence of complete violation of WB HIRA act by the builders of Evanie Econest project.

1. WB HIRA Authority has taken up processing of applications for registration of project from 15/09/2018 (Ref: Notice no 26-HIRA/IR-2/2018), but still now Evanie Econest project fails to obtain HIRA registration number (3 months time period is over much before).

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agreement was done on 9th September 2018).

3. Sale agreement is incomplete. Sanction plans, layout plans with specifications are not shared by this builder in their sale agreement. Even after several requests this builder has not shared any of such information. In fact builder did not apprise me about the HIRA registration status of this project.

4. Booking in this project was continued even in the recent days, without having HIRA approval .

(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.As Evanie Econest project fail to obtain HIRA registration number even after almost ten months since WB HIRA Authority started taking up applications for the HIRA registration, I would like to opt-out from Evanie Econest project and a full refund with interest (as per HIRA rule) should be returned to my bank account.

2.As this builder collected 25% (instead of 10% proposed by HIRA act) of total flat cost before sale agreement was done, this builder should compensate me for this 15% extra collection. Extra 15% money and compensation money should be returned to my bank account immediately.

3.Builder should immediately share sanctioned plan, lay-out, and HIRA application status.

(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)

Sale Agreement copy page 1 to 13

Sale Agreement copy page 14 to 26

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Verification

I **Subhadip Ghosh** son / daughter of **Sukumar Ghosh** 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 : Bhubaneswar

Date : 2/7/2019

Subhadip Ghosh
2/7/2019
Signature of the applicant(s)