

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 : 7/27/2020

Date of receipt by post : \_\_\_\_\_

Complaint No. : COM000429

Signature : \_\_\_\_\_

Authorized Officer : \_\_\_\_\_

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**  
Calcutta Greens Commercial Complex (1st Floor), 1050/2, Survey Park, Kolkata-700075

Between  
Somnath Mitra Complainant(s)  
And  
RIVERBANK DEVELOPERS PRIVATE LIMITED Respondent(s)

**Details of claim :**

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Somnath Mitra
- (ii) Address of the existing office / residence of the complainant : 10/3 Rani Sankari Lane 3rd Floor, Kolkata, Bhowanipur, 700026
- (iii) Address of the service of all notice : 10/3 Rani Sankari Lane 3rd Floor Kolkata - 700026

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 : RiverBank Developers Private Limited 4TH FLOOR, 225C, Acharya Jagadish Chandra Bose Rd, Sreepally, Ballygunge, Kolkata - 700020 West Bengal

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:

I had applied for an apartment in Hiland River / Riverfront front in March, 2016 and paid all the money that was asked for. I also got a loan sanctioned to help me buy a home of my own! Over the years, the project has not progressed, I kept following up, and either the developer did not reply, or kept giving me false promises through these years. The apartment was supposed to be delivered in 42 months. Now the developer has shelved the project without giving the rightful refund to me. They came up with a mischievous scheme that I will have to waive all my rights now and then in 3 months they will refund some money. They have lied so much over the years, I do not have any trust on them that they will give me the money after obtaining the waiver. They have also come up with an arbitrary interest rate to be applied on the money, and that too not compounded, which will cause further erosion of my hard earned money that I had invested in the project. Over and above, now they have started calling me and shouting / threatening me to accept their mischievous scheme.

I will request you to stop the deregistration of project / any new project till the time they return the money with appropriate interest rate, as per the agreement signed initially, or the benchmark proposed by them. I am an ordinary middle class man who had applied with the hope of having my own apartment. paid them lot of my

*Samir M*



**COMPLAINT TO AUTHORITY**  
Complaint under section 31 of the Act

hard earned money, got the loan sanctioned and now it is painful to see how they are dwindling my money through such schemes.  
Please help me in getting my money back with the right interest at the earliest and recovery of all the cost that I had paid, towards the sanction of loan and damages for tolerating the blatant lies by the Hiland group through these years and their act of shouting / threatening at common people who have invested their hard earned money!  
Regards,  
Somnath

(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) :

- Refund of all the money that I have paid through these years to the Developer
- Interest on the money, which should be compounded monthly, either based on:
  - o State Bank Prime Lending Rate + 2% at the point of time when the money was paid OR
  - o 12% as mentioned in the General Terms and Conditions
- Lumpsum damage to cover all the associated costs, e.g. cost of having the loan sanctioned, all the mental agony that I had to go through all these years, non-responsiveness of the Developer and all the falsehood indulged into
- Apology letter from the Developer for such delay, falsehood and shameful act of calling and shouting / intimidating me
- Any other damage that you deem fit

(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. Stop deregistration of the project
- ii. Stop transfer of the project to any other builder (Ambuja Neotia group) / new permission for any project in the said land till the pervious developer returns the money to everyone
- iii. Arrange rightful refund to all the people who had put their hard earned money in the project
- iv. Action against Hiland group for gross negligence of contract and exemplary damages.

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

Please prevent the deregistration / transfer of the project without returning the rightful money to all who have paid their money so far. Hence requesting for:

- i. Stop deregistration of the project
- ii. Stop transfer of the project to any other builder (Ambuja Neotia group) / new permission for any project in the said land till the pervious developer returns the money to everyone
- iii. Arrange rightful refund to all the people who had put their hard earned money in the project
- iv. Action against Hiland group for gross negligence of contract and exemplary damages.

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

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

No, the complaint is not pending under any other Court. I have reached out to the developer multiple times asking for a relief, and on not getting any response from them, reaching out to West Bengal Housing Industry Regulatory Authority.

The formation of The Housing Industry Regulatory Authority has given hope to common people like us who have been cheated over the years by the Builders with false promises and then intimidated to give up their hard-earned money.

I am looking for your kind involvement in this matter and getting back my hard-earned money at the earliest.

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)

Somnath



**FORM 'J'**  
See rule 36(1)

**COMPLAINT TO AUTHORITY**  
Complaint under section 31 of the Act

2nd Demand Letter

Allotment Letter

Concerns on Hiland Terms

Detailed Complaint Letter

False Promise Mails

General Terms and Conditions

Money Receipts (Advance Missing)

Project Rename and FollowUps

Project Shelving

Project Shutdown Detailed Follow Ups

Project Shutdown Initial

State Bank PLR

Threatening and Shouting

**Verification**

I **Somnath Mitra** son / daughter of **Sandip Kumar Mitra** 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 : *Biyala*

Date : *27/07/20*

*Somnath Mitra*  
Signature of the applicant(s)