

COMPLAINT TO AUTHORITY  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 2/16/2021

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

Complaint No. : COM000647

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

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

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Sukanta Chakrabarty Complainant(s)

And

RIVERBANK DEVELOPERS PRIVATE LIMITED

Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Sukanta Chakrabarty
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice : 4/3K/36 Ho Chi Min Sarani, Sarsuna Housing Scheme, Phase-II, P.S.-Sarsuna, Kolkata-700061

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 : 1 NEW BATA ROAD, BATANAGAR, MAHESHTALA, South 24-Parganas, Thakurpukur Mahestola Mahestola, West Bengal, 700140 and also at 225C, AJC Bose Road, 4th Floor, Kolkata-700020

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 complainant has paid an amount of Rs. 23,38,216/- for the Apartment No. 13A5 Tower 22, Hiland Greens Phase 1A without fail on his part but . The payment descriptions are scheduled below:-

Date Payments made in Cash/ Cheque Amount (Rs.)

20/1/2014 Cash – Application Kit Rs.200/-

Application money – Demand Draft 79610 ICICI Bank Rs.50,000/-

28/03/2014 Cheque No. 175235 – ICICI Bank - for allotment Rs.2,37,750

29/04/2014 State Bank of India – Cheque No. 448472 (1st Instalment) Rs.3,67,001/-

09/08/2014 Cheque No – 448476 State Bank of India, Calcutta High Court SPB branch ( 2nd Instalment) Rs.2,73,704/-

02/11/2015 Cheque No – 175242 ICICI Bank Behala, Kolkata - ADHOC Charges Electrical Infrastructure & DG Backup Charges Provisional Electrical Infrastructure Charges & DG. Rs.97,254/-

09/06/2016 Cheque No. 448498 – State Bank of India. Calcutta High Court SPB branch (3rd Instalment) Rs.1,85,742/-

13/07/2016 Cheque No. 448500 - State Bank of India. Calcutta High Court SPB branch (4th Instalment) Rs.1,86,010/-

05/10/2016 Cheque No – 448506 State Bank of India, Calcutta High Court SPB branch (5th Instalment) Rs.186,010.

23/12/2016 Cheque No – 448509 State Bank of India, Calcutta High Court SPB branch (6th Instalment) Rs.1,86,010/-

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20/02/2017 Cheque No - 448511 State Bank of India, Calcutta High Court SPB branch (7th instalment) Rs 1,66,010/-  
14/01/2021 NEFT UTR No. SBIN221013158947 (8th instalment) Rs  
2,15,380/-  
14/01/2021 NEFT UTR No. SBIN221014159174 (Registration fees, stamp duty, corpus deposit) Rs  
1,51,305/-  
13/02/2021 Cheque No 718644 as one year advance maintenance charges Rs 15840/-  
Total Payment made is Rupees twenty three lakhs thirty eight thousand two hundred and sixteen only (Rs  
23,36,216/-) The complainant was allotted an Open car parking space being No. B178, which is not demarcated in  
the building plan. The possession has not been handed over.

(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. Delivery of possession of Apartment No. 13A5 Tower 22, Hiland Greens Phase 1A;
- ii. A sum of Rs. 90,204/- which the respondent received as 50% of parking space with service tax with interest computed at compound interest rate at 18% per annum from the date of payment till the date of return that the respondent have taken specifically for the car parking;
- iii. Interest computed at compound interest rate at 18% per annum from the date of payment till the date of repayment on a sum of Rs. 23,38,216/- paid by the complainant;
- iv. A sum of Rs. 20,00,000/- as the complainant had thought of using the said flat as his chamber but till date the respondent have not been able to handover the possession and as such it has caused serious inconvenience to his profession.
- v. Compensation to be calculated @ Rs.12.5/- per Sq Ft. of the Chargeable area of the Apartment per month, effective from the Scheduled date of possession till the date of possession as defined in the GTC with interest computed at compound interest rate at 18% per annum from the Scheduled date of possession till the date of repayment.
- vi. A sum of Rs.10,00,000/- for causing mental harassment and/or causing cheating to the complainant since the date of depositing application money to the respondent;
- vii. A sum payable as the enhanced amount under the heads of registration Charges and Stamp Duty Charges at the time of registration of the deed of conveyance, if any, due to price escalation since April 19, 2017.
- viii. Further damages.
- ix. Further interest to be computed at the rate at 18% per annum on the aforesaid sum payable by the respondent till the date of repayment.

(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. Delivery of possession of Apartment No. 13A5 Tower 22, Hiland Greens Phase 1A alongwith allotted car parking space.
- ii. Attachment of account No. 57500000445642, RDPL-HGPH-1A PROJECT ESCROW COLLECTION ACCOUNT of HDFC Bank Ltd., 2/6 Sarat Bose Road, Central Plaza, Kolkata - 700020 & account No. 57500000084572, Riverbank Developers Private Limited-Hiland Greens Phase-I CAM Account of HDFC Bank Ltd., 2/6 Sarat Bose Road, Central Plaza, Kolkata - 700020 and account No. 00140350007482, Riverbank Developers Private Limited of HDFC Bank Ltd., 2/6 Sarat Bose Road, Central Plaza, Kolkata - 700020.
- iii. Compensation to be calculated @ Rs.12.5/- per Sq Ft. of the Chargeable area of the Apartment per month, effective from the Scheduled date of possession till the date of possession as defined in the GTC with interest computed at compound interest rate at 18% per annum from the Scheduled date of possession till the date of repayment.

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

- i. Delivery of possession of Apartment No. 13A5 Tower 22, Hiland Greens Phase 1A alongwith allotted car parking space.
- ii. Attachment of account No. 57500000445642, RDPL-HGPH-1A PROJECT ESCROW COLLECTION ACCOUNT of HDFC Bank Ltd., 2/6 Sarat Bose Road, Central Plaza, Kolkata - 700020 & account No. 57500000084572, Riverbank Developers Private Limited-Hiland Greens Phase-I CAM Account of HDFC Bank Ltd., 2/6 Sarat Bose Road, Central Plaza, Kolkata - 700020 and account No. 00140350007482, Riverbank Developers Private Limited of HDFC Bank Ltd., 2/6 Sarat Bose Road, Central Plaza, Kolkata - 700020.
- iii. Compensation to be calculated @ Rs.12.5/- per Sq Ft. of the Chargeable area of the Apartment per month,

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FORM 'J'  
See rule 36(1)

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effective from the Scheduled date of possession till the date of possession as defined in the GTC with interest computed at compound interest rate at 18% per annum from the Scheduled date of possession till the date of repayment.

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

7. Complainant not pending with any other court, etc:  
The project is incomplete in all aspect and since no delivery of possession was given a criminal complaint has been lodged before the Maheshtala Police Station on 9-1-2021.

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)

GTC

Payment Receipts

Promise to Pay Compensation

Verification

I Sukanta Chakrabarty son / daughter of Late Satya Narayan Chakrabarty 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 : *Saarsuna, Kolkata*

Date : *16,02,2021*

*Sukanta Chakrabarty*

Signature of the applicant(s)