

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 : 9/30/2020

Date of receipt by post : _____

Complaint No. : COM000512

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Sibsankar Koley Complainant(s)
And
Sachidananda Mitra , prop of Sona Enterprise and Renubala Paul,
Owner/ Vendor Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : Sibsankar Koley
 - Address of the existing office / residence of the complainant :
 - Address of the service of all notice : 34/2E Banamali Chatterjee Street PS- Chitpur Kolkata-700002
- Particulars of the respondents:
 - Name(s) of the respondent : Sachidananda Mitra , prop of Sona Enterprise and Renubala Paul, Owner/ Vendor
 - Office address of the respondent : 13 Bangur Avenue PS Lake Town Kolkata -700055 and 58/56 Nagendra Nath Road PS -Dumdum Kolkata-700028
 - Address for service of all notices : 13 Bangur Avenue Block- B , P.S Laketown, Kolkata-700055
- Jurisdiction of the Authority :
- The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

The Developer entered into an agreement for sale flat No.3A at 3rd floor with the Complainant on 19.01.2005 on receipt of initial consideration Rs. 150000/- as per sale agreement after development/ construction at premises No. 58/56 NagendraNath Road hand over the said flat completed in all respect including stair, lift etc.. The Complainant paid full consideration of Rs.712500/- for the said flat to the Developer by way of Payorders of UCO Bank and cash on different dates.Original money receipts signed by the Developer shall be produced at the of hearing.

On 03.07.2006 the Respondent handed over the said flat with unfinished Staircase and without Lift facility as agreed upon and he assured that the c.c/o.c for said building shall be delivered by the Dum Dum Municipality within a month.Relying on good faith the Complainant took over the possession of the said flat under protest but till date no copy of cc/oc has been delivered.

Moreover the Respondent adopted Unfair Trade Practice in presenting himself asVENDOR in the Deed of Coveyance No.190404295 dated 08.05.2017 duly registered at the ADSR Kolkata. This tantamounts unfair trsde practice.

The condition of the flat is deteriorating day by day for construction by using low category building material and notice to that effect sent to the Dum Dum Municipality.

The Complainant through his Learned Advocate issued legal notice dtd.12.03.2020 asking him to explain how he became the owner of the premises in deed of conveyance and whether he obtained the registration under WBHIRA ACT 2017 and rules 2018 but he refused to accept the letter .This letter was undelivered with the postal remark N/C i.e not claimed. It should be treated as good service.

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(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) :
Relief :-

In view of the fact and circumstances mention in para graph 3,4,5 the above complaint prays for the following relief(s)

- 1 Directing respondent to refund the total consideration of rs 712500/- received by respondent.
- 2 Directing respondent to pay interest @ 10% per anum on the total consideration money of rs 712500/- from the date of sale agreement to till date
- 3 Directing the respondent to pay complainant aaaaazrs 300000/- as complensation for harassment and mental agony suffering by him
- 4 Actual cost of stampduty and registration charge fir invalid deed of conveyance dated 08-05-2017
5. Litigation costas authority shall deem fit and proper

(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:
N/A

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

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

7. Complainant not pending with any other court, etc:
N/A

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)

Advocate letter

advocate letter 2

Agreement for sale

agreement of sale

Deed of conveyance

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documents

power of attorney for respondent

vokatnama

Verification

I Sibsankar Koley son / daughter of Gunamoni Koley 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 : 05.10.2020

Sibsankar Koley
Signature of the applicant(s)

List of Tickets

#	Ticket#	Date of Submission	Subject	Purpose	Name	Mobile	Email	Feedback	View	Status	Application
1	HIRA-SUP-00000406	07/10/2020	rectification of spelling mistake in releaf portion	Problem on submitting complainant	Hicendra Pramank ; Advocate on behalf of complainant Sibsankar Koley	9830596804	zicooldi@yahoo.co.in	Reply	View Feedbacks	Open	