

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 : 9/21/2020

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

Complaint No. : COM000504

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

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

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Saswati Ghosh and Satyen Ghosh Complainant(s)

And

1. Amitava Samanta Director of . India Green Reality Limited 2. India  
Green Reality Limited Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Saswati Ghosh and Satyen Ghosh
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice : 521 SKB Sarani Flat no 101 1st Floor

PO- Ghughudanga PS - Dumdum, Kolkata-700030

2. Particulars of the respondents:

- (i) Name(s) of the respondent : 1. Amitava Samanta Director of . India Green Reality Limited 2. India Green Reality Limited
- (ii) Office address of the respondent : -BA-30 Rajdanga Main Road PS - Kasba, Kolkata-700078
- (iii) Address for service of all notices : Amitava Samanta - Residential Address-C/5A Ramkrishna Upanibesh PS Jadavpur Kolkata-700092 presently residing at 1/21 Purbachal Nibedita Road Ps- Kasba Kolkata-700078 Office-BA-30 Rajdanga Main Road PS - Kasba, Kolkata-700078

3. Jurisdiction of the Authority :

4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

A) The complainants have plan to purchase a two storied bungalow named Dopati (G+1) unit no 203 admeasuring nearly 1344 sq ft having constructed area about 907 sq ft in the land of Mouza -Khanzanpur JL no-35 within PS- Panrui Dt-Birbhum ADRS office at Bolpur which was as per the advertisement made by Amitava samanta director of India Green Realty Ltd in their website

B) Being allured we have booked one bungalow namely MOHOR unit no 80 and paid Rs 7,09,000/( Rupees sever lacs nine thousand only ) by 4 chq on SBI and an agreement was made on 20-02-16 with an assurance the project will be complete within 24 months,

C) Respondent unable to honour the said agreement and offered us another project namely DOPATI unit no 203 for total consideration of Rs 26,10,000/- and adjusting the earnest money of Rs 7,09,000/- vide new agreement dated 23-12-2018 by cancelling the previous agreement.

D) In the year 2019 complainant visited the site and shocked to observe that there was no sign any development in the project as agreed upon , and made dispute with respondent and demanded the earnest money of Rs 7,09,000/- . Respondent prepared a deed of cancellation dated 07-09-2019 and handed over to us 4 cheques drawn on BOB Kasba branch we have deposited all the cheques at SBI lake town branch and returned unpaid.

E) After that we have served a notice through our advocate vide letter dated 05-02-20 that whether the project was registered under HIRA and the developer obtained any HIRA license for the disputed project but no reply

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was given .

( F ) The complainants crave leave to produce further documents /information /evidence at the time of hearing. .

(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) :

Under the facts and circumstances it is prayed as follows

- a) Directing respondent to refund the earnest money Rs 7,09,000/- along with interest @9% from the date of deposit till the date of final payment.
- b) Compensation for tension and mental agony suffered by the petitioner for harassment by stop payment of cheques by the respondent @ 10% of the deposited amount.
- c) Litigation cost as your Honour would 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

Cheque Return

deed of cancellation

Facts

mail correspondence

Prayer

Receipt of Advocate notice

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Sale agreement

Verification

I Saswati Ghosh and Satyen Ghosh son / daughter of laterajkumar ghosh and late adinath 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 : KOLKATA.

Date : 03/10/2020

Satyen Ghosh  
Saswati Ghosh

Signature of the applicant(s)