

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 6/1/2020

Date of receipt by post : _____

Complaint No. : COM000382

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Bapi Das Complainant(s)
And
Kolkata Home Search (Sh. Abhishek Tewari, Owner)
Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : Bapi Das
 - Address of the existing office / residence of the complainant : 13 Bowali Mondal Road (Kalia Colony) HUT Area PO Kalighat, PS Tollygunge, Kolkata, Kolkata, Tollygunge, 700026
 - Address of the service of all notice : N3/200 IRC Village, Nayapalli. Bhubaneswar- 751015. (ODISHA)Email: bdaskolkata26@gmail.com
Mob: 9830868554
- Particulars of the respondents:
 - Name(s) of the respondent : Kolkata Home Search (Sh. Abhishek Tewari, Owner)
 - Office address of the respondent : GA 100, Rajdanga Main Road, Narkel Bagar, Kolkata- 700107 (Opp. of GST Bhawan)
 - Address for service of all notices : Abhishek Tewari, Owner, Kolkata Home Search GA 100, Rajdanga Main Road, Narkel Bagar, Kolkata- 700107 (Opp. of GST Bhawan)Mob: 6291479240 / 9903393094
Email: abhishek@kolkatahomesearch.com
info@kolkatahomesearch.com
chakrabortysujit2014@gmail.com
- Jurisdiction of the Authority : Poleghat Gram Panchayet, PS Sonarpur, south 24 Parg
- The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

I have paid Rs. 220,000/- towards purchasing of a low budget apartment (370 sqft.) worth Rs. 6,00,000/- (Six Lac only) in IRA Paradise Project of M/s Kolkata Home Search, Kolkata and its Owner cum Developer is Mr. Abhishek Tewari and his wife. The name of the project is IRA Paradise at Sarmastapur under Poleghat Gram Panchayat, P.S.-Sonarpur, Dist.- South 24-Parganas (W.B.). Sh. Sujit Chakraborty is their staff with whom I visited the Project Site and he always communicated with me on behalf of Kolkata Home Search. I paid Rs. 2,20,000/- by net banking/ cheque from time to time as asked by Sh. Sujit Chakraborty as advance/ booking money. Payment detail in f/o 'Kolkata Home Search' is as follows:

 - Paid Rs. 50,000/- vide Chq. No. 970588 dtd 12.03.2018 (Their Receipts No. 216 dtd. 21.03.2018)
 - Paid Rs. 70,000/- by NEFT on 23.03.2018 (Their Receipts No. 215 dtd. 22.03.2018)

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The date of completion and handing over of the flat is March 2020 (Copy of Plan of Work enclosed). But the project works of IRA Paradise is stopped since long-time and I heard later that the project land is dispute, hence I have applied for cancellation of the booking and want to get back / refund my money. I have submitted my cancellation letter to Sh. Sujit Chakraborty, Official Staff of Kolkata Home Search and requested him to refund my money. He told that the Cancellation Letter was submitted to Sh. Abhishek Tewari, Owner of the Project and the same was accepted by him. I want to refund back my money with Interest

(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 am in tension, I can't eat, sleeping peacefully. Mind is so disturbed. My mother is very much worried about it, my wife has high sugar (Type 2 diabetes) and also in tension, I have two children- one is 3 years and younger one is 11/2 years. We have to admit our elder child into school this year, mother's treatment is undergoing, wife has to take diabetes medicine 3 nos. everyday. I am staying at Bhubaneswar in a rented house. Every month I have huge expenditures, I am financial crisis – Two lakh means they took my two bones, my savings go out. Sujit Chakraborty knows everything about my matter. I am in depressed. I am only source of income in my family and I have to bear the expenditure of my sister and her daughter, to provide her tuition fees etc. my niece is studying in Class XII (Commerce). I need urgently my own money return from Kolkata Home Search so that I can give better treatment to my mother and admit my child in a good school and run my family. I am frustrated, every time Mr. Abhishek Tewari said on such date he will transfer online my money, but not paid on that date, even avoid my phone calls. We all are in tension, I faced an accident due to Low BP low and fallen from my Scooter on 15.04.20 and I injured on left leg and my wife's left foot was broken and now it is plastered for 6 weeks as prescribed by the Doctor.

I have a reputation and well-educated person in my locality Bowali Mondal Basti under Tollygunge PS, my neighbours knows me as good person. I have struggle a lot to complete my Graduate B.Com (Hons.) and then MBA (Finance) staying at this Slum. Our financial condition is very poor. We don't have any home and it is my dream to purchase our own home. But unfortunately, my dream was unfulfilled somehow. Sh. Abhishek Tewari refunded Rs. 35,000/- only out of my Rs. 220,000/- payment till date. I want to request to Abhishek da (Sh. Abhishek Tewari) to kindly refund my balance Rs. 1,85,000/- (220,000 – 20,000 – 15,000) as soon as possible ple

(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)

Plan of action of project schedule signed by A Tiweri

Reminder of refund

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WhatsApp messages with Abhishek Tewari

Verification

I Bapi Das son / daughter of Late Ananda Das 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 : 29.07.2020



Signature of the applicant(s)

Dt: 14-03-2020

To
Sh. Abhishek Tewari
Kolkata Home Search
G/A-100, Rajdanga Main Road
Narket Bagam - Kolkata - 107

Sub: Refund of Rs. 2,20,000/- towards
cancellation of Flat booking at
your IRA Paradise Project - reg.

Sir,

with due respect, I have been trying to
request you to refund my cancellation
money several times. But till date you
only paid me Rs. 35,000/- out of Rs. 2,20,000/-.

I submitted my cancellation letter on 03.02.2020
and more than one month is completed.
Whenever I contacted you over phone, you
said today you will pay, some time you said
25,000/- per day you will pay. But not paid.

once again you are requested to kindly
refund my balance Rs. 1,85,000/- at a
time within March '20 as I ~~am~~ need
to pay someone. I am in debt.

I visited 3 times in your office, came from
Bhubaneswar and spent 3000/- per day. Now
I cannot visit your office, my mother is under
treatment. I request you please issue
cheque of Rs. 1,85,000/- on



14/03/2020

(Signature)
14/03/20
(Bansi Das)