

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 : 6/13/2021

Date of receipt by post : _____

Complaint No. : COM000748

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Vithal Ganeriwala Complainant(s)
And
DTC Projects Pvt. Ltd. Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : Vithal Ganeriwala
 - Address of the existing office / residence of the complainant : 8 Raja Santosh Road, Abhinandan Flat 1C, Kolkata, Kolkata, Chetla, 700027
 - Address of the service of all notice :
- Particulars of the respondents:
 - Name(s) of the respondent : DTC Projects Pvt. Ltd.
 - Office address of the respondent : Diamond Harbour Road Beside Vivekananda Mission School, Near IIM Calcutta, South 24-Parganas, Bishnupur - I Bishnupur, West Bengal, 700104
 - Address for service of all notices :
- 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:

We have booked a Flat in Block 02/B6 of DTC Southern Heights. As per our Sale Agreement dated 05.10.2015, the developers DTC Projects Pvt. Ltd. were supposed to complete the construction of the said unit within 36 months from the date of commencement of foundation work, with the option of extending the completion date for a further period of 6 months. The developers have failed to comply with regards to this completion date (30.11.2018). They have continuously delayed the project. In March 2020, amidst the COVID-19 Crisis, they have asked all purchasers including me to take possession of the said unit. Due to government imposed lockdown, it was not possible for buyers like us to visit the said project and take hand over of the unit. As soon as the lock down was lifted by the State government, we have requested them to share the calculation of the Compensation amount and adjust the same with the last demand payable upon possession, which the developers have refused. They assured us that the compensation amount would be paid once the last installment is paid from our side. Trusting their word, we have paid them the last installment due on 21.07.2020 via Cheque number 000069 drawn on HDFC Bank. Upon paying the last installment, we have undertaken joint inspection of the project and our unit and to our dismay, we found out that the project itself is incomplete. They have charged us for club house and also assured flat owners of numerous common facilities and amenities, none of which are ready till date. Therefore, the developers have demanded installments from us without completing the project. They have also refused to pay the compensation amount to us and have not paid the same till date. They have calculated the compensation amount at a rate of 3.5% p.a whereas they are charging interest and penalty from buyers at 18% p.a. To avoid paying compensation they have sent us a false interest calculation of 81pgs claiming interest even though all payments were made on time.

(give a concise statement of facts and grounds for complaint)

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5. Relief(s)

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) :

We request the honorable West Bengal Housing Industry Regulatory Authority to take strict action against developers DTC Projects Pvt. Ltd. for exploiting, duping and cheating the buyers. The complainant prays that the developers be directed to pay full Compensation amount for the full period of delay till date (as most of the project is still not complete). Also, the complainant prays that the developers must compensate the buyers for the delay in completion of the project at a reasonable rate of interest of 12% p.a.

(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)

Compensation Amount Calculation 120920

False Late Payment Charges

Ledger

Mail dated 140720

Mail dated 220720

Mail trail

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Verification

I Vithal Ganeriwala son / daughter of Manoj Kumar Ganeriwala 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 : 13-06-2021

Vithal Ganeriwala

Signature of the applicant(s)