

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 : 10/9/2019

Date of receipt by post : _____

Complaint No. : COM000158

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
MR VIKASH KUMAR BATHWAL Complainant(s)
And
EMAMI REALTY LIMITED Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :
 - (i) Name of the complainant : MR VIKASH KUMAR BATHWAL
 - (ii) Address of the existing office / residence of the complainant : CA 16/1, Ashirvad Apartment Railpukur Road, North 24-Parganas, Bidhannagar Municipal Corporation, Baguhati, 700059
 - (iii) Address of the service of all notice :
2. Particulars of the respondents:
 - (i) Name(s) of the respondent : EMAMI REALTY LIMITED
 - (ii) Office address of the respondent : EMAMI TOWER, 687 ANANDAPUR, E.M. BYPASS, KOLKATA :- 700107
 - (iii) Address for service of all notices : EMAMI REALTY LIMITED
EMAMI TOWER, 687 ANANDAPUR, E.M. BYPASS, KOLKATA :- 700107
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:
 1. Your Complainant and his father Mr. Ajay Kr. Bathwal were made understood by the representatives of the Opposite Parties the various good, positive and advantageous side of investing in their projects and being influenced by such representation your Complainants had entered into an Agreement dated 29th March 2015 with the Opposite Party to Sub Lease a self contained Flat being All that the Apartment/Flat/Unit No A-6 - 701 on the 7th Floor of the Tower No A6 forming part of the said Residential Segment in EMAMI CITY containing by admeasuring an area of 1150 Sq ft (more or less), being butted and bounded by, In the East Internal Road, In the west Staircase, In the North Internal Road, In the South Apartment/Flat/Unit- 702, build in All that piece and parcel of land measuring 14.4890 acres (more or less) lying and situated at Holding/Premises No 2, Jessore Road, Kolkata - 700028 at Mouza with J.L No Dum Dum House 19, Plot No :- 111,247,246,113,251,275,112/154, 245/297, 248/298, 275/1344, 112/ 109, 248/276, 248, 153, together with the right to park one car in the basement/ (Car parking space) together with the right to use in common the various common parts & portions areas facilities and amenities comprised in the said Tower and/or Residential Segment and Together with the undivided proportionate share in the leasehold interest more particularly described in the said agreement of sub lease.
 2. That as per the terms and condition of the said agreement for sub Lease your Complainant had already paid entire consideration with delay interest i.e 64,85,007/- approx of the total sub-lease amount which you have duly accepted and duly acknowledged by providing documents to that effect

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handover/ peaceful possession of the said Flat sometime long back by 31/03/2017, but unfortunately till date the said has not been done from the end of your Opposite Party

(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) :

1. That as per the agreement is concern the Developer/ Opposite Party had clearly violated the terms and condition of the said Agreement and till date the possession had not yet been handed over towards the Complainant, which acts itself is clear violation of Law and as such your Complainant needs to be compensated with reasonable compensation and handover of possession of the said unit needs to be given immediately without any further delay.

2 . That your Complainant presently wants from this Ld. Forum to direct the Opposite Party to hand them over their Flat and also interest upon the amount paid to the tune of Rs 16,42,749/- calculated @ 18%

(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:

That your Complainant presently wants from this Ld. Forum to direct the Opposite Party to hand them over their Flat immediately.

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

That your Complainant presently wants from this Ld. Forum to direct the Opposite Party to hand them over their Flat immediately without any further delay.

(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)

Agreement

allotment letter

final demand

money reciepts

notice

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Verification

I MR VIKASH KUMAR BATHWAL son / daughter of MR AJAY KUMAR BATHWAL 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 : 09/10/2019

V.K. Bathwal.

Signature of the applicant(s)