

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/22/2020

Date of receipt by post : _____

Complaint No. : COM000506

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

SUSHILA KHAITAN Complainant(s)

And

1. VEDIC PROJECTS-VEDIC REALTY PVT LTD 2. SHALINI FARMS
PVT LTD. 3. AAYUSH AGRAWAL 4. MAMTA AGRAWAL

Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : SUSHILA KHAITAN

(ii) Address of the existing office / residence of the complainant :

(iii) Address of the service of all notice : SUSHILA KHAITAN

375, PRINCE ANWAR SHAH ROAD, SOUTH CITY, TOWER 1, FLAT 16A
KOLKATA-700068

2. Particulars of the respondents:

(i) Name(s) of the respondent : 1. VEDIC PROJECTS-VEDIC REALTY PVT LTD 2. SHALINI FARMS PVT LTD. 3. AAYUSH AGRAWAL 4. MAMTA AGRAWAL

(ii) Office address of the respondent : 1/1B, UPPER WOOD STREET, KOLKATA-700017

(iii) Address for service of all notices : RAJ KISHORE MODI
1/1B, UPPER WOOD STREET, KOLKATA-700017

3. Jurisdiction of the Authority : DISTRICT NORTH 24 PARGANAS

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

TO SUMMARISE FACTS OF THE CASE ARE AS FOLLOWS:

1. COMPLAINANT HAD BOOKED FLAT 4B IN BLOCK NO.3 WITH SBA OF 1400 SQ FT (NOW 1486) AND 1 CAR PARK SPACE IN SANJEEVA ORCHARDS PHASE-I ON 8/4/2013

2. RESPONDENT AGREED TO DELIVER POSSESSION OF FLAT IN 30 MONTHS + 6 MONTHS GRACE FROM THE DATE OF AGREEMENT WHICH IS 8TH APRIL 2013. RESPONDENT ALSO AGREED TO PAY INTEREST @15% PER ANNUM FOR PERIOD OF DELAY BEYOND EXPIRY OF GRACE PERIOD.

3. 30 MONTHS EXPIRED ON 7/10/2015 AND 6 MONTHS GRACE PERIOD EXPIRED ON 7/4/2016 AND THE RESPONDENTS TILL DATE HAVE NOT BEEN ABLE TO GIVE POSSESSION OF FLAT. THE PROJECT IS YET TO BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS ADVERTISED AND AGREED UPON. THUS THE SELLERS ARE LIABLE TO PAY INTEREST @15% PER ANNUM FOR THE PERIOD OF DELAY TO BE CALCULATED FROM 8/4/2016 ON THE AMOUNT ALREADY PAID WHICH IS RS. 31,54,570 (PRINCIPAL AMOUNT)

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FORM 'J'
See rule 36(1)

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4. BY LETTER DATED 9/5/2019 RESPONDENT HAS INTIMATED THAT THE AREA OF FLAT HAS STOOD REVISED TO 1486 SQ FT FROM EARLIER 1400 SQ FT

5. BY LETTER DATED 9/5/2019 RESPONDENT DEMANDED A SUM OF RS. 9,41,931/- (5,45,609 FOR BALANCE PAYMENT TOWARDS THE UNIT AND RS.3,96,322 TOWARDS VARIOUS DEPOSITS)

6. BY LETTER DATED 16/5/2019 THE COMPLAINANT INTIMATED RESPONDENT NO.1 TO PAY FOR THE INTEREST @15% FOR THE DELAYED PERIOD AS AGREED BY THE RESPONDENT AS PER AGREEMENT DATED 8/4/2013. THE COMPLAINANT REQUESTED THE RESPONDENT TO DEDUCT RS. 9,41,931 (THE DEMAND OF THE RESPONDENT) FROM THE INTEREST AMOUNT AND HANDOVER THE POSSESSION OF THE FLAT TO THE COMPLAINANT.

7. THE INTEREST FOR THE PERIOD FROM 8/4/2016 CALCULATED TILL 22/9/2020(1628 DAYS) @15% PER ANNUM ON THE PAID AMOUNT RS.31,54,570/- WORKS OUT TO BE RS.21,10,537/-(RUPEES TWENTY ONE LACS TEN THOUSAND FIVE HUNDRED AND THIRTY SEVEN)

(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) :
THE COMPLAINANT PRAYS FOR FOLLOWING RELIEF & COMPENSATION-

1. AGREED INTEREST @15% PER ANNUM ON AMOUNT ALREADY PAID (RS. 31,54,570/-) FOR THE PERIOD OF DELAY BY THE PROMOTER-

i. WHICH WORKS OUT TO BE RS. 21,10,537/- HAVING BEEN CALCULATED FROM 8.4.2016 TO 22/9/2020(1628 DAYS)

ii. AND FURTHER INTEREST TO BE CALCULATED FROM 23/9/2020 ON THE AMOUNT PAID (RS. 31,54,570/-) TILL THE DATE OF PAYMENT.

2. HANDOVER THE POSSESSION OF FLAT NO.4B ON THE THIRD FLOOR IN BLOCK NO.3 OF THE HOUSING PROJECT SANJEEVA ORCHARDS PHASE-1 WITH ONE COVERED CAR PARKING SPACE IN THE BASEMENT OF AFORESAID BLOCK NO. 3 OF THE PROJECT PREMISES.

(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 APPLICANT FURTHER DECLARES THAT THE MATTER REGARDING WHICH THIS APPEAL HAS BEEN MADE IS NOT PENDING BEFORE ANY COURT OF LAW OR ANY AUTHORITY OR ANY OTHER TRIBUNAL.

IT MAY BE NOTED THAT THE COMPLAINANT VIDE LETTER DATED 6/2/2020 APPEALED THIS MATTER PHYSICALLY IN YOUR OFFICE BEFORE YOUR GOOD-SELVES AND RECEIVED A NOTICE OF HEARING BEARING NO. 286A/HIRA/1C-11/2018(PT1) DATED 10/2/2020. BUT UNFORTUNATELY THE APPEAL COULD NOT BE HEARD ON THE GIVEN DATE OF 5/3/2020 DUE TO PAUCITY OF TIME AND THEN THE REGULATORY AUTHORITY WAS CLOSED DUE TO COVID-19 PANDEMIC. SINCE THE REGULATORY AUTHORITY IS NOW HEARING CASES EXCLUSIVELY ONLINE, I AM HEREBY SUBMITTING THIS APPLICATION FOR YOUR CONSIDERATION FOR THIS MATTER TO BE HEARD ONLINE.

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

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9. List of enclosures :
(Specify the details of enclosures with the complaint)

1.ALLOTMENT LETTER

COMPLAINANT REPLY DATED 16/05/2019 IN RESPONSE TO DEMAND NOTICE OF 9/5/19

DEMAND NOTICE DATED 9/5/2019 FOR PAYMENT OF RS.9,41,931

RESPONDENT LETTER DATED 9/5/19 FOR AREA INCREASE

SALE AGREEMENT

Verification

I SUSHILA KHAITAN son / daughter of SATYANARAYAN MUNSHI 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 : 22/09/2020

Sushila Khaitan

Signature of the applicant(s)