

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 : 8/24/2019

Date of receipt by post : _____

Complaint No. : COM000130

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
Ashish Saha Complainant(s)
And
Nestwood Estates Pvt. Ltd. Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :
 - (i) Name of the complainant : Ashish Saha
 - (ii) Address of the existing office / residence of the complainant :
 - (iii) Address of the service of all notice : Ashish Saha
P778A, Block A ,
Lake Town,
Kolkata 700089
2. Particulars of the respondents:
 - (i) Name(s) of the respondent : Nestwood Estates Pvt. Ltd.
 - (ii) Office address of the respondent : Office Space No-306, 3rd Floor, PS IXL- Block A, Atghora , New Town, 24 Parganas (N), Kolkata 700136
 - (iii) Address for service of all notices : M/S Nestwood Estates Pvt. Ltd.
North Building , Astra Tower ,
ANO-706, 7th Floor ,
2C/1, Action Area 2C,
New Town
Kolkata 700135
3. Jurisdiction of the Authority : West Bengal Housing Industry Regulatory Authority
4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

This is to state that I, Ashish Saha, S/O Sri Sambhunath Saha, resident of P778A, Block A , Lake-Town , Kolkata 700089, W.B. P. S. Lake-Town had come to know about a housing project "Nestwood Maple" launched and constructed by "Nestwood Estates Pvt. Ltd." with their registered office at Office Space No-306, 3rd Floor, PS IXL – Block A, Atghora, New Town, District :24 Parganas (N), Kolkata 700136 through the advertisements published in the leading daily newspapers. I booked one self contained 2BHK flat measuring 856sq feet (appx.) @1850/sq ft . The consideration amount of the said flat was Rs. 15,83,000 and I made a payment for Rs. 2,37,540 (Two Lac thirty Seven thousand five Hundred and Forty only) by cheque drawn on ICICI Bank, Lake Town branch dated 29.06.2014 and was allotted flat no C3 on the 3rd floor in Tower no T25

At the time to booking of the flat and making the payment, I was promised that the construction of the project would start by October 2014 and the possession of the flat will be given in the year 2019. After making the payment the company did not share any document related to the project and kept on citing various reasons for the delay in starting of the construction work. I made the 2nd payment for an amount of Rs.88,976 (Rupees Eighty Eight Thousand Nine Hundred and Seventy Six only) drawn on ICICI Bank, cheque dated 04.05.2015 . The total payment

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amount made to Nestwood Estates Pvt. Ltd. was Rs. 3,26,516 (Rupees Three Lac Twenty Six Thousand Five Hundred and Sixteen only).With Various phone calls made to enquire about the commencement of construction work , I had been given misleading information for the delay in the construction work and false promise were made about starting of the construction.As the construction work did not start till the month of December 2018 , so I made an application to the Nestwood Estate Pvt. Ltd. for withdrawn of my booking and seeking refund on 29.12.2018 Nestwood Estates Pvt. Ltd. accepted the withdrawal notice and

(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) :

Refund of the payment amount of Rs.2,76,516(Rupees Two Lac Seventy Six thousand Five Hundred and Sixteen) from M/S Nestwood Estates Pvt. Limited along with the interest @18% per annum on the mentioned refund amount from the period of the payment since July 2014 till date .

(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:

No

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)

Memorandum Of Understanding

Monet Receipt (2)

Money Receipt (1)

Nesatwood Maple Letter of Intent

Nestwood Estates Pvt Ltd Refund Notice

Nestwood Gulmohar Introduction

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Nestwood Maple Letter of Intent (2)

Nestwood Maple Welcome Letter

Verification

I **Ashish Saha** son / daughter of **Sambhunath Saha** 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 : 24/08/2019



Signature of the applicant(s)