

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 : 3/18/2019

Date of receipt by post : _____

Complaint No. : COM000046

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

PRADIPTA BHASKAR CHATTERJEE Complainant(s)

And

1) AURORA STUDIO PVT. LTD. 2) MR. AMIT KUMAR AGARWAL, 3)
MRS. ABANTI AGARWAL, 4) MR. ANJAN BOSE, DIR
Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : PRADIPTA BHASKAR CHATTERJEE

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

(iii) Address of the service of all notice : FLAT 14F, TOWER -4, SOUTH CITY, 375, PRINCE ANWAR SHAH ROAD, POLICE STATION - JADAVPUR, KOLKATA - 700068

2. Particulars of the respondents:

(i) Name(s) of the respondent : 1) AURORA STUDIO PVT. LTD. 2) MR. AMIT KUMAR AGARWAL, 3) MRS. ABANTI AGARWAL, 4) MR. ANJAN BOSE, DIR

(ii) Office address of the respondent : 125A, LENIN SARANI, KOLKATA - 700013

(iii) Address for service of all notices : 125A, LENIN SARANI, KOLKATA - 700013

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:

a) That one Agreement for Sub-Lease dated 19.10.13 between the complainant being the sub-sub-lessee and sub-sub-lessors therein as represented by Rajesh Agarwal with regard to Sub-lease of All That Unit No. 11, 846 sq.ft. (SBA) on 15th Floor together with one car parking space at Plot No. GN, 34/1, Block-GN, Sector-V, Bidhannagar, Salt Lake, P.S. - Electronic Complex, in the District 24 Parganas (N). Upon payment of Rs.47,88,943/- only in accordance with the Sixth Schedule (MANNER OF PAYMENTS) stated therein as per agreement dated 19.10.13.

b) That the complainant has paid Rs.44,82,415 only in terms to manner of payment as asked as well stated in the 6th Schedule of agreement dated 19.10.13 out of the full and final payment of Rs.47,88,943 only.

c) That the handing over of peaceful and vacant possession of the said property was fixed within 36 months from the date of the execution of the Agreement dated 19.10.13 i.e. within 18.10.16 with a further extension of another 6 months from 18.10.16 i.e. within 18.04.17 positively as per the said Agreement.

d) That the respondents neglected and failed to handover the peaceful and vacant possession of the said property not only within 18.10.16 but also within 18.04.17 in accordance with the terms and conditions of the Agreement dated 19.10.13 even after accepting the part payment of 4% of the amount of money which ought to be paid at the time of delivery of final possession by the respondents which clearly shows an ill intension for their wrongful gain.

e) That the complainant has made several and/or repeated requests alongwith e-mail dated 06.10.18 at about 17.48 hrs. and 10.01.19 to hand over the final possession as well as return the paid money but the respondent failed to do any of the request.

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(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) :

On the basis of appropriate direction to be passed by the Authority under West Bengal Housing Industry Regulation Act, 2017, the respondents shall return the entire paid money i.e. Rs.44,82,415/- (Rupees Forty Four Lac Eighty Two Thousand Four Hundred and Fifteen) only along with interest @18% accrued thereon on and from 18.10.2016;

b) Appropriate direction upon the respondent to pay Rs.5,00,000/- as compensation to the complainant due to mental agony and harassment in which the complainant is passing through for misappropriation of the paid money by the respondents;

c) Appropriate direction to impose penalty upon the respondents in terms to sub-sub-clause (i) of sub-clause (g) of Rule 36 of the West Bengal Housing Industry Regulation Rules, 2018;

(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:

a) The respondent shall not be able to initiate any cunning steps to cancel the agreement dated 19.10.2013;

b) The respondent shall not create, any third party right over the said property till the disposal of this complaint.

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

a) The respondent shall not be able to initiate any cunning steps to cancel the agreement dated 19.10.2013;

b) The respondent shall not create, any third party right over the said property till the disposal of this complaint.

(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);

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)

Copy of E-mail dated 06.10.2018

Copy of the E-mail dated 10.01.2019 with regard to sell out the property for returning the entire paid money

Copy of written notice dated 04.03.2019

Part agreement dated 19.10.2013 (due to allotment of insufficient space)

Receipts of acknowledgement through speed post

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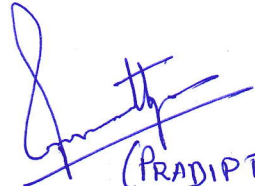
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Verification

I PRADIPTA BHASKAR CHATTERJEE son / daughter of LATE PRASANTO KUMAR CHATTERJEE 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 :

Date :


(PRADIPTA BHASKAR
Signature of the applicant(s) CHATTERJEE