

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/21/2020

Date of receipt by post : _____

Complaint No. : COM000505

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Indrajit Sinha Complainant(s)

And

MIRIK PROPERTY PVT. LTD. Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Indrajit Sinha

(ii) Address of the existing office / residence of the complainant : 922, Majumderpara, Fartabad Garia, South 24-Parganas, Rajpur Sonarpur, Sonapur, 700084

(iii) Address of the service of all notice : Indrajit Sinha
Flat no 1B, Ground Floor, Kaizen Nirvana,
922, Majumderpara, Fartabad, Garia, Kolkata,
PIN - 700084
Landmark - Shibtala Unnayan Samity Club
Phone - 7044406191

2. Particulars of the respondents:

(i) Name(s) of the respondent : MIRIK PROPERTY PVT. LTD.

(ii) Office address of the respondent : Hariharpur Gram Panchayet, Baruipur, Kolkata-700144, West Bengal
Near Khasmallick more, South 24-Parganas, Baruipur Baruipur, West Bengal, 700144

(iii) Address for service of all notices : Mirik Property Pvt Ltd
17/1 LANSDWONE TERRACE, KOLKATA, WB, 700026
Phone - 33 4005 2360

3. 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:

I made an advance payment of Rs.1,00,000/- (One Lac Only) towards "Booking Application" of two flats (Flat no 1B & 1C, Block 3) in "Eden Meghbalika" of Mirik Property Private Limited on 17th Mar'2020 vide cheque nos 641834 & 641833 (Drawn on Axis Bank) of Rs.50,000/- (Fifty Thousand Only) each. The payments were acknowledged vide receipt nos EMB/RC/611 & EMB/RC/610 (attached) dated 18th Mar'2020.

Then there was a spread of pandemic, lockdown etc which made me apprehensive about my future financial condition. In that situation I was constrained to request for a cancellation of the booking application and full refund due to the above-mentioned "Application". No agreement was executed by and between us. Only application confirmations and money receipts were handed over.

But when I cancelled this application for booking, they imposed cancellation charges of 50000/- which is inappropriate in absence of a signed agreement with mention of any such cancellation clause. Till date they have refunded only 50000 out of 100000 of my "Booking Application" amount.

FORM 'J'
See rule 36(1)

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

(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) :

I would pray before you to kindly issue orders to Mirik Property Private Limited for refund of remaining Rs50000 to me, which is held inappropriately as cancellation charges by them. I am sure this letter will get your favourable consideration and appropriate action will be taken by your good office.

(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)

Booking Application Confirmation Docs

Money Receipts and Bank Statements

Previous Mail Correspondence with Mirik Property Pvt Ltd on this subject

Verification

I Indrajit Sinha son / daughter of Late Debi Prasad Sinha 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 : 21/09/2020


Signature of the applicant(s)