

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 1/28/2021

Date of receipt by post : _____

Complaint No. : COM000627

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

CHIRAG PAREKH Complainant(s)

And

Soumita Construction Private Limited Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : CHIRAG PAREKH
- (ii) Address of the existing office / residence of the complainant : 51/5 RABINDRA SARANI, JATINDRA APARTMENT FLAT NO 202 2ND FLOOR LILUAH HOWRAH, Howrah, Bally Jagachha, Liluah, 711204
- (iii) Address of the service of all notice : CHIRAG PAREKH
C/O EASTERN HARDWARE MART
135A BRB BASU ROAD (CANNING STREET)
1ST FLOOR, KOLKATA: 700001

2. Particulars of the respondents:

- (i) Name(s) of the respondent : Soumita Construction Private Limited
- (ii) Office address of the respondent : Daulatpur, Nepalgange road Opposite CINI 2, South 24-Parganas, Bishnupur - I Bishnupur, West Bengal, 700104
- (iii) Address for service of all notices : SOUMITA CONSTRUCTION PVT LTD
186 RAJARHAT MAIN ROAD
KOLKATA: 700157

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, Chirag Parekh booked a flat being no. 4B on the 4th floor, Tower-V having total area 950 sq ft approximately along with other facilities in the project " The County" Joka, Phase B. amounted to Rs: 21,46,829.00 as per Memorandum of Understanding signed on dated 27.12.2013 and allotment letter no. AC/SCPL/TC/02/5/4B/14-15 Dated: 09.02.2015 against which I have paid 60% advance on BSP i.e. Rs: 10,57,703.00 at the time of application in two part (i) Rs: 5,00,000.00 Drawn on ING Vysya Bank Ltd, H.B. Sarani Branch, Kolkata vide cheque no. 848010 Date: 28.12.2013 (ii) Rs: 5,57,703.00 Drawn on ING Vysya Bank Ltd, H.B. Sarani Branch, Kolkata vide cheque no. 392078 Date: 04.01.2014. I also paid Rs: 22,472.00 as a Legal Charges Drawn on ING Vysya Bank Ltd, H.B. Sarani Branch, Kolkata vide cheque no. 392089 Date: 12.03.2015. All cheques issue in favor of Soumita Construction Private Limited. Total Amount Paid = (Rs: 5,00,000.00 + 5,57,703.00 + 22,472.00) = Rs: 10,80,175.00 (Rupees Ten Lakhs Eighty Thousand One Hundred Seventy Five Only). Flat Sale Agreement signed on dated: 26.03.2015 and as per flat sale agreement Developer i.e Soumita Construction Private Limited, Director Mr. Amitabh Roy agreed to handed over above said flat within 42 Months from the date of signing of agreement but already more than six years has been passed but till yet developer has not handed over the possession of the above said flat and

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the project has been miserably delayed by the developer. Developer is also not giving any proper response regarding this project.

(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 humble request you to cancel my booking and refund my all paid amount till date amounted to Rs: 10,80,175.00 (Rupees Ten Lakhs Eighty Thousand One Hundred Seventy Five Only) along with interest.

(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)

ALLOTMENT LETTER

FLAT SALE AGREEMENT

MEMORANDUM OF UNDERSTANDING

PAYMENT RECEIPT

FORM 'J'
See rule 36(1)

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Verification

I **CHIRAG PAREKH** son / daughter of **SHIVLAL PAREKH** 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 : 28/01/2021

Signature of the applicant(s)

(CHIRAG PAREKH)