

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 : 12/5/2019

Date of receipt by post : \_\_\_\_\_

Complaint No. : COM000187

Signature : Biplob Math

Authorized Officer : \_\_\_\_\_

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Biplob Math Complainant(s)

And

Evanie Infrastructure Pvt. Ltd Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Biplob Math

(ii) Address of the existing office / residence of the complainant : 16, Surendra Lal Pyne Lane PO-Muchipara , Kolkata, Kolkata, Muchipara, 700012

(iii) Address of the service of all notice : 6, Surendra Lal Pyne Lane (Opp. Calcutta Medical College Hospital Gate no 3)

2. Particulars of the respondents:

(i) Name(s) of the respondent : Evanie Infrastructure Pvt. Ltd

(ii) Office address of the respondent : 86, Golaghata, VIP Road, Jamuna Apartment(1st Floor), Behind Venkatesh Banquet, Kolkata -700048

(iii) Address for service of all notices : Evanie Infrastructure Pvt. Ltd.

81, Golaghata, VIP Road, Jamuna Apartment, 1B Radhakunj Apartment, near BIKA Banquet, Kolkata -700048

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:

The company had launched this project in July/August without having HIRA approval. We (Me and my wife - primary holder) had booked a 2BHK flat having total covered area of 490.3 sq.ft in the month of August 2017. The allotment of the flat (allotment no - EEN1666) was done on 31.08.2017 and the Agreement for Sale was signed on 12.06.2018. It has been more than 2 years now there no progress on the Development and also this project has not received HIRA approval yet. How can a project be promoted without having HIRA approval? If the project gets the HIRA approval eventually I am not sure when the project will start and when the handover of the same will happen. We have already paid the total amount of 4,25,000/- Rupees (following are the detail of the payments) amount through either Cheque or Card payment or NEFT payment-

1. Chq No - 009996 (ICICI Bank) - Date - 31.08.2017 - Amount - 100000/-

2. Chq No - 009998 (ICICI Bank) - Date - 05.09.2017 - Amount - 100000/-

3. Chq No - 010002 (ICICI Bank) - Date - 03.12.2017 - Amount - 35000/-

4. Card Payment - (ICICI Bank ref no - 1381684747) - Date - 30.01.2018 - Amount - 140000/-

5. NEFT Payment - (ICICI Bank ref no - 808314552910) - Date - 24.03.2018 - Amount - 50000/-

I repeatedly checked the construction status of the project with the builder but did not get any positive response.

Everytime they say that the flat will be delivered by January 2020. But there is progress of the project till now. I think we had been cheated by all the false promotons and we want our hard earned money back.

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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) :

We would like to opt out from the project and get the refund of the entire amount with proper applicable interest rate. We have invested our hard earned money in the project to get the flat fast but we are totally disappointed by the developer and we think that we are being cheated with all the promises by the builder during the Promotions. If we would have invested the Money in FD or any other financial areas we could have received a lump sum amount on the maturity. Please consider our pray and do the needful. All the relevant documents have been uploaded with the complaint.

(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)

Application Form

Money Receipts

*Biplob Malik*

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Verification

I Biplob Math son / daughter of Biswanath Math 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 : 05/12/2019

Biplob Math

Signature of the applicant(s)