

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 : 3/11/2021

Date of receipt by post : _____

Complaint No. : COM000679

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

CHANDANA DAS Complainant(s)

And

DHARITRI INFRAVENTURE PRIVATE LIMITED Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : CHANDANA DAS

(ii) Address of the existing office / residence of the complainant : 41A, SARAT GHOSH GARDEN ROAD
DHAKURIA, Kolkata, Kolkata, Kasba, 700031

(iii) Address of the service of all notice : 41A, SARAT GHOSH GARDEN
ROAD, DHAKURIA, KOLKATA-700031

2. Particulars of the respondents:

(i) Name(s) of the respondent : DHARITRI INFRAVENTURE PRIVATE LIMITED

(ii) Office address of the respondent : DN-51.MERLIN INFINITE, SUITE-606, SECTOR V, SALT LAKE
CITY, KOLKATA-700091

(iii) Address for service of all notices : DN-51.MERLIN INFINITE, SUITE-606, SECTOR V, SALT LAKE
CITY, KOLKATA-700091

3. Jurisdiction of the Authority : WBHIRA

4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

On March 28, 2018, We, Chandana Das & Ramit Pal, residing at 41A, SARAT GHOSH GARDEN ROAD, KOLKATA-700031 entered into an agreement with M/S Dharitri Infraventure Pvt Ltd (DN-51, Merlin Infinite, 6th Floor, Suite-606, Sector V, Salt Lake City, Kolkata-700091, PAN AAFCD3234P) to purchase one 3 BHK flat, having an area of 900 sq ft more or less on 2nd Floor, Block No. 7, Flat no. A-1, located in a Housing Complex known as "Dharitri Webcity" located at Mouza-Amgachia, J.L. No. 93, comprised in R.S Dag No. 85 appertaining R.S. Khatian No. 10585, Police Station of Bishnupur within the limits of Amgachia Gram Panchayat and Office Additional District Sub-Registrar of Bishnupur in the district of South 24 Parganas. Accordingly, we paid a sum of Rs 600000/- as earnest and advance money out of total consideration money of Rs 17,70,000/- at the time of execution of the Memorandum of Understanding. As per the Memorandum of Understanding the project would be delivered to us within a period of 42 months although we were provided verbal assurance that the Premises would be handed over to us by December 2020. We have inspected the site on a regular basis and seeing no construction activity of note, we decided to contact the office bearers of Dharitri Infraventure Pvt Ltd on March 6, 2020. We were informed verbally that the Project has been cancelled due to reasons unknown to any of them. Please note that We were not informed of the same through any manner whatsoever by the Developers. On March 16, 2020 we submitted an application for refund for the advance amount paid by us for the said project. We were informed that we will receive the fund after a gap of six months. Till date, despite repeated reminders, we have not received a single penny of our money. On March 8, 2021, we received an e-mail from their end stating that the Developer will refund us Rs 535714/- after deducting necessary GST. The amount will be paid to us in 10-11 installments in an average of Rs

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40000-50000 per installment.

(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) :

No specific date of payment has been mentioned in the e-mail provided by the Developer. The e-mail has been sent by Sonali Dutta, Retention Officer, Dharitri Infraventure Pvt Ltd. (Contact: 9051193951) We would like to inform you that we have not been provided with any kind GST invoice regarding our payment. The Developer has not provided any specific date of payment of refund and they are also not going to provide any Interest on the amount held by them for so long. We want full refund of entire advance along with the amount of Rs 28000/- spent on sale deed. We also want Interest on the entire amount of refund. We have also paid our Project Site Manager, Mr Biswajit Das, Rs 55000/- as commission for the entire deal.

(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:

Please do the needful to force the Developer to refund the entire amount along with interest as soon as possible. We also request you to force the Site Manager, Mr Biswajit Das to return the Commission.

(Give here the nature of the interim order prayed for with reasons)

7. Complainant not pending with any other court, etc:
Complainant not pending with any other court

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 for Refund

E-mail from Dharitri Infraventure

MEMORANDUM OF UNDERSTANDING

Money Receipts

SALE DEED

WBHIRA Rejection

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Verification

I **CHANDANA DAS** son / daughter of **KRISHNA CHANDRA DAS** 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 : 11.03.2021

Chandana Das.

Signature of the applicant(s)