

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 1/6/2022

Date of receipt by post : _____

Complaint No. : COM000794

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
UJJAL ROY Complainant(s)
And
Amitis Developers LLP Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : UJJAL ROY
 - Address of the existing office / residence of the complainant : NIRANJAN APARTMENT, FLAT B1, NIRANJAN PALLY, CONGRESS NAGAR BANSDRONI, Kolkata, Kolkata, Regent Park, 700070
 - Address of the service of all notice : NIRANJAN APARTMENT, FLAT B1, NIRANJAN PALLY, NEAR JUBA SANGHA, CONGRESS NAGAR, BANSDRONI, DIST KOLKATA 700070
- Particulars of the respondents:
 - Name(s) of the respondent : Amitis Developers LLP
 - Office address of the respondent : "GODREJ SE7EN", P.O. & P.S. Bishnupur, Diamond Harbour Road Near Pailan, Joka, Kolkata, South 24-Parganas, Bishnupur - I Bishnupur, West Bengal, 700104
 - Address for service of all notices : K/A Ms Ria Kar, The Management, "GODREJ SE7EN", P.O. & P.S. Bishnupur, Diamond Harbour Road Near Pailan, Joka, Kolkata, South 24-Parganas, Bishnupur - I Bishnupur, West Bengal, 700104
- Jurisdiction of the Authority : South 24-Parganas
- The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

I had visited Godrej Seven Orchard (Phase II) project on 02.01.2022. I visited the site to just have a look at the project and did not have any plan to book or anything. However, the sales woman Ms. Ria Kar was too determined that I book a flat instantly. She did a lot of discussion on the availability of flats and all the time she had just persuaded me to book one. I was literally perplexed could not decide on my actions. Under high persuasions, I decided on the Unit H2A-1207. She said that Godrej flats are in high demand in the market and reiterated that in case the unit is not booked instantly then anyone might book the unit anytime. She also told that it could not be hold overnight as there are foreign bookings also which generally happens in night-time and she does not have control on foreign booking. I did not have money to instantly book a flat by paying the booking amount of 6% of the flat value. She said that if I paid at least 50,000 as TOKEN MONEY then based on that she would be able to hold the flat for a maximum by 5 days and by that time I need to pay the initial amounts as per schedule. Accordingly, perplexed, I had paid INR 50,000 through credit card swipe as token money for booking of the unit. However, later on the same day at night I gave a thorough thought regarding my financial obligations and other related matters and I decided not to go ahead with the deal and had accordingly requested her on 03.01.2022 morning that I wanted to cancel the deal and requested her to refund me the token amount. It was not even 24 hours between the time I had paid the token amount and the time I had informed her for cancellation. Also, no legal paper work or anything was initiated. However, she informed me that as per company policy the amount would be forfeited and no refund would be made. Although now she is arguing that she had informed me prior to payment of the token amount that it would

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be non-refundable however, it was actually never informed to me earlier

(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 want my token money amount of INR 50,000 back. No one in a country should be empowered with such illegitimate power to snatch away common men hard earned money this way.

(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:

NA

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

NA

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

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

I hereby declare that the matter is not pending before any court of law or any other authority or any other tribunal.

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)

Money receipt of 50000

Payment confirmation I for 25000

Payment confirmation II for 25000

FORM 'J'
See rule 36(1)

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Verification

I **UJJAL ROY** son / daughter of **PARESH CHANDRA ROY** 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: *06-01-2022*

Ujjal Roy

Signature of the applicant(s)