

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 : 1/7/2020

Date of receipt by post : _____

Complaint No. : COM000233

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Dr. Ashis Mukhopadhyaya & Anr Complainant(s)

And

BENGAL UNITECH UNIVERSAL INFRASTRUCTURE PVT LTD

Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : Dr. Ashis Mukhopadhyaya & Anr
 - Address of the existing office / residence of the complainant :
 - Address of the service of all notice : No. 31, Durgadas Singha Lane, Howrah
- Particulars of the respondents:
 - Name(s) of the respondent : BENGAL UNITECH UNIVERSAL INFRASTRUCTURE PVT LTD
 - Office address of the respondent : Main Arterial Road New Town, Action Area-III, North 24-Parganas, Rajarhat New Town, West Bengal, 700160
 - Address for service of all notices : Uniworld City, Horizons, Main Arterial Road New Town, Action Area-III, North 24-Parganas, Rajarhat New Town, West Bengal, 700160
- Jurisdiction of the Authority : North 24-Parganas
- The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:
 - The Complainants, on 10th December, 2007 made an application before the Developer for allotment of Premises in Uniworld City and accordingly Developer vide letter dt. 10th December, 2007 in favour of the complainants allotted premises admeasuring 1893 sq.ft., being premises no. 0604, 9th floor, Tower 04, in the Complex "Harmony" in Uniworld City, Kolkata, West Bengal together with proportionate undivided share of the land of the plinth area of the said Tower (hereinafter referred to as the said dated 17th December, 2007 was executed between Complainants and Developer for a consideration at Rs. 57,52,419/-. Complainants have paid 90% of the total consideration till 30th January, 2008.
 - As per clause 5(a) of agreement, it was agreed that the premises shall be delivered and/or handed over to complainants by 31st March 2011 and clause 5(c)(ii) provided that the Developer shall be liable to pay compensation charges @Rs.5/- per sq. ft. per month for delay in handing over the said premises.
 - As the Developer failed to handover the premises within the agreed time and upon complainant's persistent follow up, the developer vide email dt. 23rd July, 2016 offered swap option of premises bearing unit no. 1503, 14th floor with super area of 1628 sq.ft of an increased value of Rs. 71,70,439/- and with a new possession time frame of 24 to 30 months to which the complainants did not agree.
 - However, vide email dt 9th October 2017, Developer informed that the progression of work is slow and the expected time frame for handing over the possession would be first quarter of 2020.
 - Accordingly, the Complainants have sent a Notice dt. 02.12.2019, calling upon the Developer to deliver the said

Indranil Banerjee.

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premises within 15 days from the receipt of notice or refund the amount advanced by complainant alongwith a penal interest of 24% and further seeking damages for delay of more than 8 years and counting. Despite the receipt of the notice on 09.12.2019, the developer failed to comply

(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) :

The Complainants pray before the Hon'ble Authority :

- a. to pass an order to hand over the said premises admeasuring 1893 sq.ft., being premises no. 0604, 9th floor, Tower 04, in the Complex "Harmony" in Uniworld City, Kolkata, immediately and or refund the amount paid by the complainant along with interest of 24%
- b. a compensation of Rs.10,88,475 as per the said agreement.
- c. Additional compensation of Rs. 10,00,000/- for inordinate delay in handing over the said premises and a sum of Rs.5,00,000/- as litigation cost.
- g.Under the circumstances, we pray before the Hon'ble Authority to pass an

(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:

The Complainants pray before the Hon'ble Authority :

- a. to pass an order to hand over the said premises admeasuring 1893 sq.ft., being premises no. 0604, 9th floor, Tower 04, in the Complex "Harmony" in Uniworld City, Kolkata, immediately and or refund the amount paid by the complainant along with interest of 24%

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

The Complainants pray before the Hon'ble Authority :

- a. to pass an order to hand over the said premises admeasuring 1893 sq.ft., being premises no. 0604, 9th floor, Tower 04, in the Complex "Harmony" in Uniworld City, Kolkata, immediately or refund the amount paid by the complainant along with interest of 24%

(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.

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)

1. Allotment Letter, Agreement to Sell, Emails exchanged between the parties, Legal Notice sent to the respondent, Reply to legal notice sent by the Respondent, Power of attorney

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Verification

I **Dr. Ashis Mukhopadhyaya & Anr** son / daughter of **Anil Kumar Mukhopadhyaya** 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 : 07/01/2020

(POWER OF
Attorney
Holder)
Indranil Banerjee
For DR. ASHIS MUKHOPADHYA
& DR. INDRANI MUKHOPADHYA

Signature of the applicant(s)