

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 3/14/2020

Date of receipt by post : _____

Complaint No. : COM000347

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

SHUBHANKAR CHAKRABORTY Complainant(s)

And

MOUNTHILL REALTY (MKHS HOUSING LLP) Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : SHUBHANKAR CHAKRABORTY

(ii) Address of the existing office / residence of the complainant : MB-416, MAHISBATHAN, SALT LAKE, SECTOR-5, NEAR BHARATI SANGHA CLUB, KOLKATA- 700102., North 24-Parganas, Rajarhat, Electronic Complex Police, 700102

(iii) Address of the service of all notice : MB-416, MAHISBATHAN, SALT LAKE, SECTOR-5, NEAR BHARATI SANGHA CLUB, KOLKATA- 700102.

2. Particulars of the respondents:

(i) Name(s) of the respondent : MOUNTHILL REALTY (MKHS HOUSING LLP)

(ii) Office address of the respondent : Mounthill Realty (MKHS Housing LLP, C/o Hemant Sikaria, Next to Hyatt Regency, Between Gate No 1 & 2, Salt Lake Stadium, Salt lake, Sector- 3, Kolkata -700098.

(iii) Address for service of all notices : Mounthill Realty (MKHS Housing LLP, C/o Hemant Sikaria, Next to Hyatt Regency, Between Gate No 1 & 2, Salt Lake Stadium, Salt lake, Sector- 3, Kolkata -700098.
Email- rainforest@mounthillrealty.com, hemant@mounthillrealty.com

3. Jurisdiction of the Authority : SALT LAKE SECTOR-3 P.S.

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

I had booked a Flat no-6-2/D measuring 1592 sqft in The Rainforest project in Oct 2014 which is developed by Mounthill Realty (MKHS Housing LLP). This is one of the largest project in Rajarhat Chowmatha area in terms of total area and number of buildings whose advertisement was done heavily & the construction started in 2015. Till now the project has not even completed 10% and presently Indiabulls reality is doing the entire marketing of the project because of the inefficiency of the promoter. I was given an offer in September 2014 that if I pay 80-90% of the total amount I will be getting the flat at a discounted rate of Rs 2200 per sqft and they had committed that the project will get completed by 2019. Based on Mounthill's commitment and constant followup I accumulated all my savings and took a personal loan of 12 Lacs (interest of which I am still paying now) and paid 21.64 lakhs initially vide chq no 31 & 32 of HDFC Bank in Sept 2014. Later on their constant followup I again paid Rs 3 lakhs on Feb 2016 via RTGS & finally Rs 4 Lacs on Jan 2017 via Chq no 45 of HDFC bank. So after having paid more than 28 Lacs after my contentious followup they executed the Sale Agreement on 31st Jan 2017. Since 2014 the development of the project is just nothing. The piling of my building has not even started and in the agreement the developer was to handover the said flat by December 2019 as per the Sale Agreement. Meanwhile my mother has been diagnosed by cancer for which I am in deep financial & mental stress. Under such circumstances I had

Shyama
14/03/20

FORM 'J'
See rule 36(1)

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

requested the developer multiple number of times to refund my amount which he directly refused stating that they are also in financial trouble and instead wanted to allocate me another small flat at more than the present market rate in their other project Mounthill Essence which is also held up. The owner of the real estate Mr. Hemant Sekaria & their team has stopped accepting calls and reverting to my mails even after umpteen followups

(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 am a service holder in a private bank & I am going through tremendous financial hardship after paying the EMI & the medical bills of my mother. It is my humble request to the HIRA committee to get me out of this trouble. I have all the money receipts, allotment letter, sale agreement, copy of the cheques, my personal loan interest certificate and all other relevant documents in place if needed for verification by your esteemed committee. I want immediate handover of my committed flat in the project where I had invested else return of the entire 28 Lacs along with interest of 8 % annually that comes to around 39 Lacs.

(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:
NO

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

FIRST PAGE OF SALE AGREEMENT

PAYMENT RECEIPTS

Shubh
19/03/20

FORM 'J'
See rule 36(1)

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

Verification

I **SHUBHANKAR CHAKRABORTY** son / daughter of **LATE BIMALENDU CHAKRABORTY** 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 : 14/03/2020



Signature of the applicant(s)

Verification

I **SHUBHANKAR CHAKRABORTY** son / daughter of **LATE BIMALENDU CHAKRABORTY** 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 : 14/03/2020



Signature of the applicant(s)