

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 : 12/15/2020

Date of receipt by post : _____

Complaint No. : COM000569

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
SUBHANKAR MUKHERJEE Complainant(s)
And
G.S ELECTROCOM PRIVATE LIMITED Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : SUBHANKAR MUKHERJEE
 - Address of the existing office / residence of the complainant : 112F/3, GOPAL MISHRA ROAD, BEHALA, Kolkata, Kolkata, Parnashree, 700034
 - Address of the service of all notice : 112F/3, GOPAL MISHRA ROAD, BEHALA, KOLKATA 700034
- Particulars of the respondents:
 - Name(s) of the respondent : G.S ELECTROCOM PRIVATE LIMITED
 - Office address of the respondent : R.S DAG
NO.1369(P),1370(P),1382(P),1383(P),1381(P),1380(P),1373(P),1372(P),1379(P),1371(P),1384(P),MOUZA SATULI,J.L. NO.49,L.R KHATIAN NO.2129,2166,2175 ,South 24-Parganas,Bhangar - II Kasipur,West Bengal,700135
 - Address for service of all notices : Godrej Genesis Building (2nd Floor), Block EP & GP
Salt Lake Electronic Complex
Sector V, Bidhannagar
Kolkata - 700 091
- 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:
would like to submit the following grievance for your kind perusal and necessary order please:-
 - that, I bought a 3BHK flat at SANHITA Project during 2016 and was allotted a flat 3B1-1F (in a G+7 building) with a four wheeler parking during August, 2016 vide application No. 754798. Total SBU - 916 sq.ft. and Carpet area - 704.61 sq.ft. Date of Allotment : 04.05.2016.
 - that, my flat was a part of Phase-II project and was also one of the flats left un-sold in Phase-I. Phase-I- 3BHK flat price was 20,64,000/- including 4 wheeler parking, whereas they have charged me with Rs. 22,67,390/- for the same flat with a four wheeler parking (GTC copy enclosed for ready reference).
 - that, an agreement of sale was executed and it was promised to handover the flat by Dec, 2017. Now they have failed to do so and giving excuses of de-monetization, COVID-19 etc. and other useless facts which doesn't have any grounds at all.

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(4) that, I have taken a loan of Rs.19,02,672.00 from United Bank of India w.e.f. 22.03.2017 and have been paying Rs. 16840/- as EMI now. Apart from this, every time Sanhita sent me a demand letter for remitting the installment, I have paid Service Tax at the existing rate. Accordingly, as on date I have paid Rs. 20,44,771/- plus service tax to the SIMOCO Systems and Infrastructure Solutions Pvt. Ltd. and in time always (copy enclosed).

(5) that, As per GTC and Sale Agreement the flat is supposed to be handed over by 03.05.2019 (36 months from the date of allotment) with an additional grace period of 180 days, i.e. by 03.11.2019 with another grace period of 180 days thereafter, i.e. by 03.05.2020. Now as of today, they are not in a position to hand over the flat (copy enclosed).

(6) that, I have sent a written note on 11.08.2020 (copy enclosed) , expressing my unwillingness to continue with the project and requested them to refund me in full including service taxes paid by me from my own pocket. Infact, they have taken advance for interior like

(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) :

Entire amount paid to the builder (100% refund) including interest paid to bank and service tax paid by me to the builder. Also the amount paid for various internal works, as demanded from time to time by the builder. Also a lumpsum as penalty, as decided by the Hon'ble Court. Anticipating a quick redressal in this regard. I will be ever grateful for the justice provided to me.

With regards.

(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:
as decided by the lordship.

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:

Also filed a complaint with NCH vide complaint No. 2392938 dated 18.11.2020 and thereafter as guided by them only, filing here for redressal please,

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)

6th installment receipt

bank sanction letter

emails sent to builder from time to time

last reply received from SIMOCO

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property related docs

Verification

I **SUBHANKAR MUKHERJEE** son / daughter of **HARIDAS MUKHERJEE** 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 : *15/12/2020*

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke at the end.

Signature of the applicant(s)