

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 : 1/25/2020

Date of receipt by post : _____

Complaint No. : COM000271

Signature : _____

Authorized Officer : _____



IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Sri. MANISH KHAITAN Complainant(s)

And

IDEAL REAL ESTATES PRIVATE LIMITED Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Sri. MANISH KHAITAN

(ii) Address of the existing office / residence of the complainant :

(iii) Address of the service of all notice : 59, Sailo Kumar Mukherjee Road, 2nd Floor, Rose Mary Bus Stop, Before Howrah AC Market

2. Particulars of the respondents:

(i) Name(s) of the respondent : IDEAL REAL ESTATES PRIVATE LIMITED

(ii) Office address of the respondent : 591A, MOTILAL GUPTA ROAD ,Kolkata,Kolkata Haridevpur,West Bengal,700008

(iii) Address for service of all notices : 50, Jawahar Lal Nehru Road , 11th Floor, Kolkata-700071

3. Jurisdiction of the Authority : Kolkata

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

I, Sri Manish Khaitan s/o Sri Gopi Krishna Khaitan r/o 59, Sailo Kumar Mukherjee Road, 2nd Floor, Rose Mary Bus Stop, Before Howrah AC Market, Howrah – 711101 had booked a Flat in the Project named IDEAL GREENS situated at 591A, Motilal Gupta Road, Kolkata-700008, P.S. –Haridevpur, and it was allotted vide Allotment Letter dated 04-09-2014.

FLAT DETAILS:

PROJECT: IDEAL GREENS(NPR-00328)HIRA/P/KOL/2018/000212

Block-Gardenia

Flat No-10C

Flat Type-4BHK

Rate perSqFt: 4100/-

Super Built up (Sq ft): 2150

Sir, I and my wife Smt. Shivani Khaitan are co-applicants for the aforementioned Flat. Till date I have paid an amount of Rs. 57,53,039/-plus VAT/Service Tax/GST Rs. 2,43,155/- out of Total Consideration of Rs. 1,14,22,560/- The Developer was supposed to deliver us the Flat by 31-03-2018(+12 Months Grace Period). The same has not been completed by March 2019 also. Even construction of the Block has been stalled long before. Physically I and my Authorized Representative visited the site and noticed that construction has been stopped completely. I then informed the Company via several communications that I want to cancel my Flat and that I want my Money back along with interest and VAT/Service Tax/GST, as mentioned by them in the Agreement for Sale (Copy sent by them via Mail) clearly mentioned in Pt. 12.3 of such Agreement.

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Thereafter on 20th July 2019, the Company via its representatives informed me that my Application for Cancellation and Refund is under Scrutiny.

Thereafter, I have sent several mails and communications to the Company but all in vain. (24th September, 2019; 15th October, 2019; 21st October, 2019)

They have not replied at all, and have also threatened me that if I take steps for cancellation and refund then the Management will further delay the matter as they have power to do so, and will also deduct 10% from the amount given by me.

Now, with no other option available to recover my hard earned money Sir, I had to lodge a complaint before your kind self

(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) :
Sir, Refund of my entire Money along with interest VAT/Service Tax/GST.

(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:

To instruct the Respondent to immediately refund back my money with interest and taxes paid by me.

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

Refund of Money taken by the Respondent with taxes and also with interest and compensation for the loss of opportunity I had because of the money being blocked by them, and I being harassed in such a manner as described above

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

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

I do hereby declare that the same matter is 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)

ALLOTMENT LETTER

APPLICATION FORM

E-MAIL_COMMUNICATIONS

LEDGER IDEAL GREENS

LIST OF DATES & SYNOPSIS

PAYMENT MADE TO IDEAL_DETAILS WITH DATE

Chaudhary

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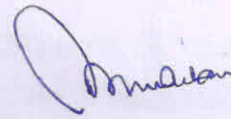
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Verification

I **Sri. MANISH KHAITAN** son / daughter of **Sri. Gopi Krishna Khaitan** 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 : *Howrah*

Date : *28/01/2020*



Signature of the applicant(s)