

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/7/2020

Date of receipt by post : _____

Complaint No. : COM000491

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between
ANUPAM GHOSH Complainant(s)
And
PANCHASHIL DEVELOPERS Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : ANUPAM GHOSH
- (ii) Address of the existing office / residence of the complainant : VILL-PANDUK P.O.- PANDUK, Purba Bardhaman, Ausgram - II, Ausgram PS, 713152
- (iii) Address of the service of all notice : VILL- PANDUK
P.O.- PANDUK
P.S.- AUSGRAM
DIST.- PURBA BARDHAMAN
PIN-713152
Whatsapp No.- 8972352323
Email ID: anupampanduk@gmail.com

2. Particulars of the respondents:

- (i) Name(s) of the respondent : PANCHASHIL DEVELOPERS
- (ii) Office address of the respondent : 22, Nager Bazar Road P.S. - Dumdum Kolkata-700074, W.B.
- (iii) Address for service of all notices : AVIJIT MITRA
Partner, Panchashil Developers
22, Nager Bazar Road
P.S. - Dumdum
Kolkata-700074, W.B.
Whatsapp & Mob No.- 9830296282

3. Jurisdiction of the Authority :

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

- 1) I booked a 2BHK flat on 20/06/2015 in block-5(Prantik) of 'Sabuj Saudha'
- 2) The place of Sabuj Soudho Project is at Mouza – Bandgora, Ward No-6 Bolpur Municipality, Dist- Birbhum.
- 3) I paid Rs. 100000.00(Rupees 1 lakh) only through SBI Che.e No. 933762 Dt. 20/06/2015.at the time of booking.
- 4) The agreement between "Panchashil Developers" and me was signed on 16-09-2015..
- 5) Price of the flat was fixed Rs. 1515000.00(Rupees fifteen lack fifteen thousand) only. Before agreement I also paid Rs. 200000.00(Rupees Two lakh) only through SBI Che. No. 281416 Dt 23/07/2015 and Che.e No. 933763 Dt 09/08/2015.
- 6) I took home loan of Rs. 547000.00(Rupees Five lakh forty seven thousand) only from SBI Santiniketan and the total loan amount was transferred to the A/c of "Panchashil Developers" on 02/12/2015.

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- 7)I also paid Rs. 223000.00 through che. no 93776 Dt 08/07/16, Rs. 250000 through Che. No. 281430 Dt. 03/04/2017.In total Rs. 1320000.00 which is 87.13% of the total value of the flat..
- 8)The brick wall of the apartment has been completed and no plaster work has yet been started.
- 9)According to the Agreement. 85% of the total value of the apartment should be deposited before the commencement of plaster work where as I have deposited 87.13% in the stipulated time which is more than the scheduled amount. .
- 10)In page no. 8, Para 11. of the Agreement paper it has been noted that the Company should ensure to complete the said Apartment in all respects within the period of 36+6(Additional) total 42(forty two) months from 16th Day of September, 2015. Thus is the dead line for the compilation of apartment is 16th March, 2019. But 17 months have already expired after the dead line.
- 11)I planed to stay at Bolpur from 2019 as my child is studying at Nava Nalanda School at Santiniketan. But getting not possession of flat I have to hire car to send my son to school for more than a year.
- 12)I have sent registered letter to Avijit Mitra but it has been returned to me.

(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) :

- 1) I want to cancel the agreement.
- 2) I want to get refund the entire amount of money I have paid till date with full interest.
- 3) I want compensation.

(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:
I have not prayed earlier.

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:
NA

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)

Building permission by Bolpur Municipality

Certificate by the Chief Manager of SBI Santiniketan

Date of possession according to Agreement

Image of flat captured on 03/09/2020

My SBI Home loan details

FORM 'J'
See rule 36(1)

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Payment Receipts

Some important pages of Agreement Paper

The letter I sent of Avijit Mitra was refunded to me

Verification

I **ANUPAM GHOSH** son / daughter of **AMAL KUMAR GHOSH** 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 : *Panduk*

Date : *09/07/2020*

Anupam Ghosh

Signature of the applicant(s)