

FORM 'J'
See rule 36(1)

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

Email letter from Purchaser dated 24/04/2019 regarding his decision not to purchase the apartment, request for Full Refund with interest and a line of confirmation by 30/04/2019 to acknowledge the ref

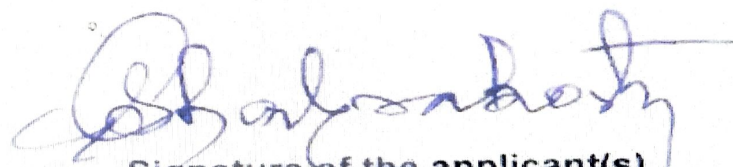
Email letter from Purchaser dated 30/04/2019 for not receiving any acknowledgement from the Builder regarding Full Refund with interest and inform them about registering consumer complaint with RERA f

Verification

I SUBHENDU CHAKRABORTY son / daughter of KALI KINKAR 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 : 13 JUNE 2019


Signature of the applicant(s)



COMPLAINT TO AUTHORITY
Complaint under section 21 of the Act

Therefore considering the current situation it is regretted that it would be next to impossible for the Purchaser (Complainant) to continue further with such abnormal delay. The Complainant (Purchaser) has determined to opt not to purchase the aforesaid apartment at no fault of his, and would like to get back full refund of the payment of amount along with the interest and necessary compensation without any appreciable loss of time.

The following documents are being attached for ready reference and necessary prompt action:

1. Email from Hiland Green management dated 25 June 2018 accepting their delay and informed revised date of possession/registration before 1st Quarter of 2019.
2. Email from Hiland Green management dated 07/01/2019 accepting their delay.
3. Email from Hiland Green management dated 03/04/2019 accepting their delay along with revised date of possession by 2nd Quarter of 2020 and an estimated Bar Chart to this effect.
4. An estimated updated Bar Chart showing completion of Tower 5 by April 2020.
5. Email letter from Purchaser dated 24/04/2019 regarding his decision not to purchase the apartment, request for Full Refund with interest and a line of confirmation by 30/04/2019 to acknowledge the refund.
6. Email letter from Purchaser dated 30/04/2019 for not receiving any acknowledgement from the Builder regarding Full Refund with interest and inform them about registering consumer complaint with RERA for the same.

(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. FULL AND FINAL REFUND OF THE AMOUNT PAID WITH INTEREST.
2. COMPENSATION AGAINST MENTAL AGONY FOR NOT REALIZING MY DREAM, ENJOY THE ABOVE FACILITIES UNDER A COMMON ROOF AND WITHIN THE HILAND GREEN COMPOUND FOR PRIVACY AND HOPE OF HAVING MY APARTMENT TOGETHER WITH 7 STAR RATED RESIDENTIAL STATUS IN A CLOSE PROXIMITY OF RIVER GANGES AT REVERSIDE, BATANAGAR, KOLKATA 700141.

(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:
NL

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

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

7. Complaint not pending with any other court, etc:
NOT PENDING WITH ANY OTHER COURT OF LAW, OR ANY AUTHORITY

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 26:**
- (a) Amount: 1000
 - (b) Name of the bank on which drawn: BICash Online Payment

9. List of enclosures
(Specify the details of enclosures with the complaint)

Email from Hiland Green management dated 07/01/2019 accepting their delay

Email from Hiland Green management dated 03/04/2019 accepting their delay along with revised date of possession by 2nd Quarter of 2020 and an estimated Bar Chart to this effect

Email from Hiland Green management dated 25 June 2018 accepting their delay and informed revised date of possession/registration before 1st Quarter of 2019

12/6/19

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 07/06/19

Date of receipt by post : _____

Complaint No. : COM/2019/0000

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

Calcutta Greens Commercial Complex (1st Floor), 19902, Survey Park, Kolkata-700075

Between

SUSHENDU CHAKRABORTY

Complainant(s)

And

R VERBANK DEVELOPERS PVT LTD

Respondant(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : SUSHENDU CHAKRABORTY
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice : SUSHENDU CHAKRABORTY,
101 Shiv Tower Apartment, Netaji Park, Sector-1, Basirhat, Maheswala, District south 24 Parganas, Kolkata
700141, West Bengal

2. Particulars of the respondents:

- (i) Name(s) of the respondent : R VERBANK DEVELOPERS PVT LTD
- (ii) Office address of the respondent : ANANDLOK BUILDING, 227 A.J.C. BOSE ROAD, BLOCK -B, 4TH FLOOR, KOLKATA, 700020, WEST BENGAL, INDIA
- (iii) Address for service of all notices : R VERBANK DEVELOPERS PVT LTD,
ANANDLOK BUILDING 227 A.J.C. BOSE ROAD, BLOCK B, 4TH FLOOR, KOLKATA 700020, WEST BENGAL,
INDIA

3. Jurisdiction of the Authority : 24 PARGANAS, SOUTH

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

Time in the tenure of this contract

The apartment was booked and accordingly allotment was confirmed in January 2015 with a contractual delivery of the said apartment for possession by June 2018. Subsequently all the instalment payments (Over Rs. 35 lacs) has been made for construction completion on time by the Complainant (Purchaser) so as to take possession of his apartment on the contractual month, June 2018 with an expected percentage progress of committed infrastructure such as Apollo Hospital, Apollo Medical and Research Center, International school, Sports academy, Retail shop Big Bazar, Studios and Film industry which was the main purpose towards purchasing this apartment in order to realize my dream, enjoy the above facilities under a common roof and within the Island Green compound for privacy and hope of having my apartment together with 7 star rated residential status in a close proximity of over Ganges in dalanagar, Kolkata 700141.

It's almost 12 months delay Island Green Phase -II management has failed to deliver possession of the said apartment to the allottee (Complainant) within the aforesaid contractual time limit. Further delay has been worked out by the Builder until April 2020 (Refer to Builder's report updated Xcel schedule-attached) in addition to the aforesaid reason, Builder also has a firm commitment to all the purchasers for the entire real estate infrastructure to provide as stated above. None of the infrastructure's ground work has been commenced as of now.

07/06/19