

**COMPLAINT TO AUTHORITY**  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 8/17/2020

Date of receipt by post : \_\_\_\_\_

Complaint No. : COM000468

Signature : \_\_\_\_\_

Authorized Officer : \_\_\_\_\_

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

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

Between

Arun Kumar Priadarshi                      Complainant(s)

And

MKHS Housing LLP                      Respondent(s)

**Details of claim :**

- Particulars of the complainant(s) :
  - Name of the complainant : Arun Kumar Priadarshi
  - Address of the existing office / residence of the complainant : 5A, Sandhyatara, Greenfield Heights Action area 1, North 24-Parganas, Newtown Kolkata Development Authority, New Town, 700156
  - Address of the service of all notice :
- Particulars of the respondents:
  - Name(s) of the respondent : MKHS Housing LLP
  - Office address of the respondent : L.R. Khatian No. 164/3, Mouza Bishnupur, J.L. No. 44, Police Station Rajarhat, Sub-Registration Office Rajarhat [formerly Bidhannagar (Salt Lake City)] within Rajarhat-Bishnupur 2 No. Gram Panchayat, District North 24 Parganas., North 24-Parganas, Rajarhat West Bengal, 700135
  - Address for service of all notices :
- Jurisdiction of the Authority : North 24-Parganas
- The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

Respected Sir/Madam,

I booked a flat (Flat No. 13B in tower 5) in The Rainforest Project on 28th August 2014 developed by MKHS Housing LLP and at that time marketed by NK Realtors. All including I made a payment of Rs. 7,89,063/-- (Seven Lakhs eighty-nine thousand and sixty-three rupees) including applicable taxes. The application reference no. with MKHS Housing LLP is MKHS/0047/2014-2015. Apart from this, they also asked me to pay Rs. 22,900/- (twenty-two thousand and nine hundred rupees) including applicable taxes in account of V C Agarwal & Company separately towards documentation charges, which also I paid. As per the property agreement, the completed property was supposed to be handed over by December 2019 and the extended period is December 2020. However, I found that not a single brick has been laid for the construction of the tower 5. And currently there is no one at the site and it is locked from outside. And as I could peep in, I saw the area is full of grass. I had booked the flat to stay there. But since it's not ready I have to stay on rented flat and pay rent. I am also attaching my rental agreement copy and bank statement showing the payment made towards the rent.

During these 6 years (from year 2014 till date) I have been trying to gauge the progress of the said property but there has been no convincing update from MKHS Housing LLP.

I have also lodged a FIR against the builder.

I am attaching scanned copies of following Documents for your reference:

- Property Agreement
- Four Receipts of Total Amount Paid to MKHS Realty
- Receipt of Amount Paid to V C Agarwal & Company

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4. My Bank Statement showing payment to MKHS Realty and V C Agarwal & Company
5. Schedule of Cost and Charges
6. Intimation of execution of Sale Agreement
7. FIR
8. Rental Agreement
9. Bank statement showing rent paid

(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) :

My kind request to you is to get my hard-earned money refunded as per WB-HIRA-Act-2017. Since it is not possible for them to handover the building even by the extended timeline of December 2020. I request the refund of my payment Rs. 789063 (Seven Lakhs eighty-nine thousand and sixty-three rupees) made to MKHS Housing LLP along with the interest amount at annual interest rate of 12%. They should be allowed to wash their sins in the name of the pandemic. Your help and co-operation in this matter is highly solicited. Thank you so much in advance for your help.

Yours sincerely

(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:

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)

Bank statement showing rent paid

FIR

Four Receipts of Total Amount Paid to MKHS Realty

Intimation of execution of Sale Agreement

My Bank Statement showing payment to MKHS Realty and V C Agarwal & Company

**FORM 'J'**  
See rule 36(1)

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Property Agreement

Receipt of Amount Paid to V C Agarwal & Company

Rental Agreement

Schedule of Cost and Charges

**Verification**

I **Arun Kumar Priadarshi** son / daughter of **Om Prakash Gupta** 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 : 05.12.2020

*Arun Kumar Priadarshi*

**Signature of the applicant(s)**