

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 : 12/20/2019

Date of receipt by post : _____

Complaint No. : COM000200

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Mrs.Anita Mamidi Complainant(s)

And

(1) LGW Ltd. (2)MKHS REALTY LLP (3) MOUNTHILL REALTY PVT.
LTD Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Mrs.Anita Mamidi

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

(iii) Address of the service of all notice : Flat No.1B, Block-21, Diamond City North, 68, Jessore Road, Shamnagar, Bangur Avenue, Kolkata - 700055, District : North 24 Parganas

2. Particulars of the respondents:

(i) Name(s) of the respondent : (1) LGW Ltd. (2)MKHS REALTY LLP (3) MOUNTHILL REALTY PVT. LTD

(ii) Office address of the respondent : (1.) Narayanpur, P.O. Rajarhat-Gopalpur, Kolkata - 700136, Dist.-24 Pgs.(N), (2) Unit-1305, 13th Floor, Tower-II, Godrej Water Side, Plot No. 5, Block-DP, Sector-V, Salt Lake, Kolkata - 700091. (3) DN-24, Matrix Tower, 1st Floor, Suite 104, Salt Lake, Sector-V, Kolkata - 700091

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3. Jurisdiction of the Authority : NORTH 24 PARGANAS

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

1) That the complainant alongwith her husband, Mr. Mamidi Venkata Aravind being the intending purchasers entered into an Agr. for Sale (hereinafter referred to as "said Agreement") executed on 25.09.2015 with the respondents to purchase a flat with a covered car parking space (hereinafter referred to as "said Unit") based upon certain terms and conditions stated therein.

2) That the complainant paid the booking money and thereafter paid Rs. 31,40,870/- in total being the fifty one percent (aprox) of the whole consideration money as fixed in the said Agr. i.e. Rs. 60,61,696/- for such purchase.

3) That as per sub-clause (2) of clause 8.2 and thereafter remaining sub-clauses upto 16 thereof of the payment schedule, the complainant was liable to pay when the construction would be in progress time to time to be erected in accordance with the sanctioned building plan.

Be it noted here that the Developer accepted the part payments of the complainant knowing fully well that the const work is yet to be initiated even if the respondents did not obtain the sanction building plan at relevant point of time of such acceptance of money which ought to be after initiation of construction.

4) That the respondents failed to handover the said unit within the stipulated period as per the terms and conditions

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condition of the said Agreement and they are in a try to project the lame excuses for their failure.

5) That the respondents are still in illegal enjoyment of the payment of Rs. 16,28,530.80p on and from 23.06.2017 which ought to be accepted by them not only after initiation of the construction work but also after completion of the portion of construction work in terms of payment schedule (8.2) the said Agreement.

(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) To handover the said unit immediately without any further delay.
- 2) The amount of total amount of accrued interest @18% on 16,28,530.80p on and from 23.06.2017 upto the date of final order of this Ld. Authority or date of handing over the said unit which ever is later should be adjusted on the remaining part payments out of total consideration money i.e. Rs. 60,61,696/- positively.

(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:

- 1) The respondent should be restrained to transfer, alienate the said unit to any third party.
- 2) Appropriate direction and/or order of this Ld. Authority to be passed for compensation @ Rs. 1,000/- per day for the period of delay upto the date of handing over the peaceful and vacant possession of the said unit to be paid by the respondents or to be adjusted from the remaining part payments of the complainant out of the full and final consideration

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

- 1) The respondent should be restrained to transfer, alienate the said unit to any third party.
- 2) Appropriate direction and/or order of this Ld. Authority to be passed for compensation @ Rs. 1,000/- per day for the period of delay upto the date of handing over the peaceful and vacant possession of the said unit to be paid by the respondents or to be adjusted from the remaining part payments of the complainant out of the full and final consideration

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

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

This complaint is not initiated as well as pending in any Court of Law.

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)

AGREEMENT FOR SALE

LETTER OF COMPLAINANT

MONEY RECEIPT

TRACKING REPORT

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Verification

I **Mrs. Anita Mamidi** son / daughter of **W/O. Mr. Mamidi Venkata Aravind** 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 :

Date :

Anita Mamidi


Signature of the applicant(s)