

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 : 8/26/2021

Date of receipt by post : _____

Complaint No. : COM000773

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Ashvani Kumar Sahu Complainant(s)

And

Bengal Shapoorji Housing Development Pvt Ltd

Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : Ashvani Kumar Sahu

(ii) Address of the existing office / residence of the complainant : J-5 603, SHAPOORJI SUKHOBRI SHTI, ACTION AREA-3 NEW TOWN, RAJARHAT, KOLKATA, North 24-Parganas, Rajarhat, New Town, 700135

(iii) Address of the service of all notice : J-5 603, SHAPOORJI SUKHOBRI SHTI, ACTION AREA-3, NEW TOWN, RAJARHAT, KOLKATA

2. Particulars of the respondents:

(i) Name(s) of the respondent : Bengal Shapoorji Housing Development Pvt Ltd

(ii) Office address of the respondent : Shukhobrishti Spriha Plot no. E1 & E2, North 24-Parganas, Rajarhat New Town, West Bengal, 700156

(iii) Address for service of all notices : Bengal Shapoorji Housing Development Pvt Ltd

P S Srijan Corporate Park

Unit # 0903, 9th Floor, Tower-I

Plot No. G 2, Block - GP, Sector-V

Salt Lake, Kolkata-700091

E-mail: kolkata.masshousing@shapoorji.com

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:

I was allotted 3-BHK flat in BSHDPL sukhobrishti, Spriha Phase-6 with flat no. L53/ 804 on 5/9/2016 as per the attached allotment letter. As per the GTC document possession was scheduled to be given within 36 months from the date allotment. In this way the handover should have been done on or before 5/9/2021. Due to some internal financial issue Builder stopped the construction and failed to deliver the flat on due date of 5/9/21. Flat is partially ready and there is no progress for last two years. As per the payment schedule mentioned in the allotment letter, total INR 2149000 was paid to builder till 11/9/2017 out of INR 2425684 through the mode of bank loan taken from SBI which means almost 90% money is paid already. Apart from that one parking was also allotted later on against the flat for which also i took loan from SBI. Right now I am under the debt of two loans, one of INR 2350000 for home and another of 350000 for parking for which I am continuously paying principal and interest. Due to the delay of flat handover I am under double pressure of both house rent and loan EMI which is impacting my life severely in this time of pandemic.

(give a concise statement of facts and grounds for complaint)

Ashvani
27/8/21

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5. Relief(s)

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) :
I request following to the concerned authorities

- 1) Flat construction should be started as soon as possible and schedule for the same should be communicated to the flat owners.
- 2) A compensation should be considered equal to the money being paid for rented apartment + total interest paid against the loan for home and parking in last two years of delay.
- 3) Builder has recently issued a circular which says that construction has started however physically there is found no work going on at site. I request them to kindly update the allottee with concrete date of handover with schedule of work.

(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:

Authorities should take proper action in favor of flat owners and issue directives to finish construction in next 6 months.

Pending final decision on the complaint the complainant seeks issue of the following interim order:
Builder should be instructed to finish the project in next 6 months from today 26/08/2021

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

7. Complainant not pending with any other court, etc:
not pending with any 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 money and first installment

Flat allotment letter

installment money for parking

permission to create mortgage

sanction letter home loan

sanction letter parking

second installment money for home

35/2021
27/8/21

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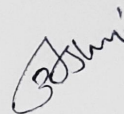
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Verification

I **Ashvani Kumar Sahu** son / daughter of **Ram Chandra Sahu** 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 : *27/8/2021*



Signature of the applicant(s)