

COMPLAINT TO AUTHORITY  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/9/2020

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

Complaint No. : COM000493

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

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

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between  
Puppu Roy                      Complainant(s)  
And  
Sk. Jahid                        Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Puppu Roy
- (ii) Address of the existing office / residence of the complainant : 32/3, Mahendra Roy Lane, Gobinda Khatick Road, Kolkata, Kolkata, Topsia, 700046
- (iii) Address of the service of all notice : Md. Adnan Ahmed, Advocate, 19A, Syed Amir Ali Avenue, Kolkata- 700 0017

2. Particulars of the respondents:

- (i) Name(s) of the respondent : Sk. Jahid
- (ii) Office address of the respondent : 44A/1, Tiljala Road, Police Station- Topsia, Kolkata- 700 046
- (iii) Address for service of all notices : Sk. Jahid, son of Sk. Raju, 44A/1, Tiljala Road, Police Station- Topsia, Kolkata- 700 046

3. Jurisdiction of the Authority : West Bengal Housing Industry Regulatory Authority

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

1. The Complainant is a tenant under one Gouranga Bera with respect to one shop room measuring an area about 1275 s. ft. at Premises No. 32/3, Mahendra Roy Lane, Kolkata- 700046 at a monthly rental of Rs. 500/- per month. At present the complainant is depositing monthly rent with the Rent Controller, Sealdah in the account of the landlord.
2. The Landlord intended to develop the said Premises by constructing a multistoried building with the help of Developer accordingly he entered into an Agreement for Construction of the aforesaid Premises with the Developer namely Sk. Jahid. The Landlord and the Developer persuaded the complainant to vacate the tenanted shop room for the purpose of execution of construction work smoothly.
3. In lieu of tenancy right of the complainant the Landlord and the Developer promised to provide 500 sq. ft. carpet area flat on the first floor to the complainant. Out of 500 sq. ft. carpet area the landlord and Developer promised to provide flat of 350 sq. ft flat on the first floor from the landlord's allocation and 150 sq. ft. on the ground from the developer's allocation. It was agreed that for 350 sq. ft flat no consideration amount has to be paid, however, for 150 sq. ft. area of shop room on the ground the complainant has to pay @ Rs. 1500/- per sq. ft. to the Developer.
4. The complainant accepted the proposal and agreed to sign on an 'Agreement of No Objection' in favour of the Developer and the same was done believing that the promises made by the Landlord and Developer shall come to be true.
5. The Developer started construction work and completed almost entire construction work within the timeline. However, the developer has refused to supply copy of Sanctioned Plan, Completion Certificate and Occupation

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Certificate of building. Although the building is complete and made ready for delivery of possession of flat, the developer in connivance with the landlord has refused to deliver possession of the flat and shop.

(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) :

- a. an order directing the Developer to deliver possession of the allocated area in the newly constructed building as per the rules applicable for the tenants or as your authority concern may deem fit and proper;
- b. an order directing the developer to supply copy of sanctioned plan, completion certificate and occupation certificate to the complainant.
- c. an order directing the developer to receive consideration amount relating to his share of allocation to be sold by the developer.
- d. an order directing the developer to pay appropriate compensation for the suffering of the complainant.

(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:

- a. an order restraining the Landlord and Developer from dealing with, parting with possession and from creating any third party interest in respect of the flat on the first floor and shop room on the ground floor of the building at Premises No. 32/3, Mahendra Roy Lane, Kolkata- 700 046 allotted to the complainant.
- b. any other order/orders as may be deemed fit and proper.

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

an ad-interim order restraining the Landlord and Developer from dealing with, parting with possession and from creating any third party interest in respect of the flat on the first floor and shop room on the ground floor of the building at Premises No. 32/3, Mahendra Roy Lane, Kolkata- 700 046, allotted to the complainant till the disposal of the present dispute.

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

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

The complainant declares that no other suit or proceedings is pending in any court, forum, tribunal for the self same relief.

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)

Adhar Card,

Agreement for Construction

Demand Notice

No Objection Agreement

FORM 'J'  
See rule 36(1)

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PAN CARD ASMPR 1994A

Rent Control Challan, Certificate of Enrollment and Food License

Voter ID

Verification

I Pappu Roy son / daughter of Prem Roy 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 : 26.09.2020

Date : Kolkata

Pappu Roy

Signature of the applicant(s)