

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 : 5/6/2019

Date of receipt by post : _____

Complaint No. : COM000072

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

ASIM KUMAR DAS Complainant(s)

And

Spectra Realcon LLP Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : ASIM KUMAR DAS

(ii) Address of the existing office / residence of the complainant : CENTRAL EXCISE STAFF QTRS., TYPE - III/10, ISPATPALLY H.M. SARANI, BIDHANNAGAR, DURGAPUR, Paschim Bardhaman, Durgapur Municipal Corporation, N.T.P.S. Durgapur PS, 713212

(iii) Address of the service of all notice : CENTRAL EXCISE STAFF QTRS., TYPE - III/10, ISPATPALLY, H.M. SARANI, BIDHANNAGAR, DURGAPUR - 713 212.

2. Particulars of the respondents:

(i) Name(s) of the respondent : Spectra Realcon LLP

(ii) Office address of the respondent : Shibpur Road, Bamunara Gopalpur Gram Panchayat, Durgapur, Paschim Bardhaman, NA Kanksa PS, West Bengal, 713212

(iii) Address for service of all notices : Shrachi Tower, 686, Anandapur, EM Bypass, Ruby Connector, Kolkata - 700 107.

3. Jurisdiction of the Authority : Paschim Bardhaman

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

The facts of the case is attached separately as Facts of the case - Part-1, Part 2, Part 3 along with the enclosures because the complete pen-picture is not accommodated in the space provided. The hardcopy of the complaint has already been received by the Authority on 25.04.2019 through Speed Post Consignment No. EW087396874IN and on record with its office. The capacity to upload pdf documents is also very short, so the Facts of the case is compelled to be uploaded in three parts.

(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) :

(i) Revocation of registration u/S 7 of WBHIRA 2017 of the project named "Shrachi Greenview" bearing registration number HIRA/P/PAS/2018/000127 issued by WBHIRA on 02.11.2018 for commission of fraudulent practices by the respondents with mala-fide intention to entice to invest in the said project by falsification intending to deceive, to gain undue advantage and to injure the interests of the complainants, to shatter their financial stability by plunging them into indebtedness with eventual mental agony mutilating the peace of mind and wastage of time, money and energy through violation of Sections 2(j), Explanation under Section 3, 4(2)(c), 4(2)(d), 4(2)(e), 4(2)(h),

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4(2)(i), 4(2)(k), 11(1)(b), 11(1)(c), 11(1)(e), 11(3)(a), 11(3)(b), 11(4)(b), 13(2) of WBHIRA, 2017; Rules 4, 9, 17(1)(a)(i)(A), 17(1)(b)(i)(A), 17(1)(b)(i)(B), 17(1)(b)(ii)(A), 17(1)(b)(ii)(B), 17(1)(b)(iv)(B), 17(1)(b)(vi)(A), 17(1)(b)(vi)(B), 17(1)(d), 17(1)(e)(i)(A), 17(1)(e)(i)(B), 17(1)(e)(i)(D), 17(1)(e)(i)(E), 17(1)(e)(i)(G) of WBHIRR, 2018; Para 'G' and clause 7.1 & 7.2 of Agreement for Sale ("Annexure - A") under Rule 9; conditions under Para 2(i) & Para 2(v) of the Registration Certificate, supra, and contravention of No Objection Certificate from WB Fire & Emergency Services issued vide Memo No. FESG/905/2012 dated 13.3.2012.

(ii) Prosecution of the respondents under Sections 69(1) & 69(2) of WBHIRA, 2017 for committing offence under Sections 7(1)(a), 7(1)(b) & 7(1)(c) read with the Explanation (A), (B) & (C) below 7(1)(c) of WBHIRA, 2017 and violation of Sections 415, 418 & 420 of IPC, 1860 read with Section 30(1) & 30(2) of LLP Act, 2008.

(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:
Yes, prayed hereunder.

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

(a) Imposition of stay on receiving all kinds of monetary amount (in whatever name and fiscal instrument) by the respondents/authorised person(s) of the respondents from the existing allottees/prospective buyers and any person on their behalf in the said project and related to it as a pre-cautionary measure to harness the fraudulent practice of the respondents during the mean period.

(b) Imposition of stay on possession/handover/registration of any residential/commercial property in the said project to any of the allottees and prospective buyers until the "completion certificate" under Section 2(p) of WBHIRA, 2017 "that the real estate project has been developed according to the sanctioned plan, layout plan and specifications" including the amenities & facilities to be provided like the club, library, doctor's chamber, daily need store, playground, landscape garden, jogging track, inter-alia, and the "occupancy certificate" under Section 2(zf) of WBHIRA, 2017 from the competent authority are furnished and uploaded by the respondents to the satisfaction of all the allottees in the said project and the Regulatory Authority and any other authority under law for the wellbeing of allottees.

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

7. Complainant not pending with any other court, etc:
The complainants further declare 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).

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)

Annexure - 1 - Email dtd. 31.01.2017 from respondents

Annexure - 2 - Estimated cost-sheet & Money receipts

Annexure - 3 - Email dt. 30.01.2019 & Tax Invoice from respondents

Annexure - 4 - Email dated 08.03.2017 from respondents



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Annexure - 5 - Advertisement on Facebook

Annexure - 6 - Memo No. FESG_905_2012 dated 13.3.2012

Annexure - 7 - MASTER PLAN uploaded by respondents

Annexure - 8 - Email dated 10.02.2019 to respondents

Facts of the case - Part 1

Facts of the case - Part 2

Facts of the case - Part 3

Verification

I ASIM KUMAR DAS son / daughter of ANIL KUMAR DAS 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 : Durgapur

Date : 06-05-2019



Signature of the applicant(s)