

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 : 8/28/2019

Date of receipt by post : _____

Complaint No. : COM000132

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

KOUSIK GHOSH Complainant(s)

And

SANJIT KUMAR MOHANTA, PROP. OF M/S. MOHANTA

INTERNATIONAL (INDIA) Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : KOUSIK GHOSH

(ii) Address of the existing office / residence of the complainant : 39/2, RAMDULAL SARKAR STREET, H.NO.9, P.O.:-BEADON STREET, Kolkata, Kolkata, Girish Park, 700006

(iii) Address of the service of all notice : KOUSIK GHOSH

S/O DILIP GHOSH

39/2, RAMDULAL SARKAR STREET, H.NO.9, PO:- BEADON STREET,

P.S.:- GIRISH PARK, KOLKATA- 700006, WEST BENGAL

MOBILE NO. 9830538603

2. Particulars of the respondents:

(i) Name(s) of the respondent : SANJIT KUMAR MOHANTA, PROP. OF M/S. MOHANTA INTERNATIONAL (INDIA)

(ii) Office address of the respondent : AG-13, BAISAKHI APARTMENT, GRD.FLOOR, SANTA ABASAN, HELABATTALA, KOLKATA- 700059

(iii) Address for service of all notices : SANJIT KUMAR MOHANTA, PROP. OF M/S. MOHANTA INTERNATIONAL (INDIA)

REGD. OFFICE :-

AG-13, BAISAKHI APARTMENT, GRD.FLOOR, SANTA ABASAN, HELABATTALA, KOLKATA- 700059

MOBILE NO. 9830673941 / 9007425018 / 8621028279

AND ALSO AT :-

RESIDENTIAL ADDRESS :-

AB-10, SANTA ABASAN, P.O.:- GHUNI, KOLKATA- 700059

3. Jurisdiction of the Authority : KOLKATA

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

The Complainant herein (KOUSIK GHOSH) together with his mother Mrs. Kalpana Ghosh purchased a residential flat on the FOURTH FLOOR North West side being No."4E"measuring an area of 420 sq.ft, be the same a little more or less super built up area consisting of 1 bed Room, 1 Open Kitchen cum Dining Room, 1 Toilet, 1 balcony together with proportionate undivided/ impartible share of land and users common right to use common areas and amenities of the said building known as VIVEKANANDA NIBAS, at Hatiara, Dag No. 4471, P.S.:- New town, under

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Bidhannagar Municipality , Ward No.14, Dist :- 24 Prgs(North) including right of use of Stair case, Top Floor roof Lift etc., constructed at the Land more fully described in the First Schedule (copy of which is attached herewith) at a total consideration of Rs.8,00,000/-

(Rupees Eight Lakhs only) on or about the month of October, 2016 in FULL and FINAL satisfaction of all their dues. It may be noted that an Agreement for Sale dated January 4, 2016 was entered into with the Respondent herein, whereby and whereunder a sum of Rs.6,00,000/- (Rupees Six Lakhs only) was paid to the Respondent herein as a part consideration for purchase of the Flat referre in to hereinbefore. Copy of the said Agreement for sale dated 4th January, 2016 is enclosed herewith.

Besides this, a sum of Rs.30,000/- (Rupees Thirty Thousand only) was paid to the Respondent herein towards Service tax and Rs.15,000/- (Rupees Fifteen Thousand only) towards installation of Mother Electric meter.

The said payments have duly been acknowledged, admitted and accepted by the Respondent herein.

Despite repeated requests made to the Respondent herein from time to time of diverse dates, the Respondent has since failed, neglect and/or defaulted to issue the Complainant herein a Completion Certificate(CC), Occupancy Certificate(OC), Final Invoice including Service Tax Receipt.

(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. Directing the Respondent herein to issue Completion Certificate(CC), Occupancy Certificate(OC), Final Invoice including Service Tax Receipt immediately ;
- b. Directing the Respondent herein to pay the necessary costs, charges and expenses undergone by the Complainant for non receipt of the Certificates more fully and finely described in point no. a hereinbefore as the Respondent was fully aware of the fact that the Complainants cannot mutate the property in their favour without receipt of Completion Certificate and Occupancy Certificate.
- c. Rule NISI in respect of the prayer referred to in point no. a. hereinbefore.
- d. Such other Order(s) as your Honour may deem fit and proper.

(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:

Directing the Respondent to immediately issue Completion Certificate, Occupancy Certificate, Final Invoice together with Service Tax certificate.

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

Directing the Respondent to immediately issue Completion Certificate, Occupancy Certificate, Final Invoice together with Service Tax certificate.

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

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

NO

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 OF SALE

DEED OF CONVEYANCE

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FIRST REQUEST LETTER

FLAT POSSESSION LETTER

FULL & FINAL RECEIPT COPY

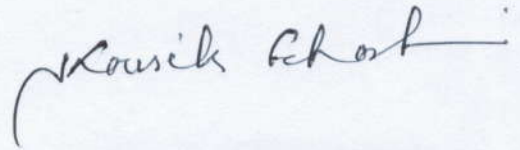
SECOND REQUEST LETTER

Verification

I KOUSIK GHOSH [✓] son / daughter of DILIP GHOSH 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 : 28.08.2019



Signature of the applicant(s)