

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 : 3/25/2019

Date of receipt by post : _____

Complaint No. : COM000048

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

NAVIN PATODIA Complainant(s)

And

A. LGW LIMITED, B. MKHS REALTY LLP Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

(i) Name of the complainant : NAVIN PATODIA

(ii) Address of the existing office / residence of the complainant : 4 FAIRLIE PLACE, 4TH FL ROOM NO-407, Kolkata, Kolkata, Hare Street, 700001

(iii) Address of the service of all notice : 4, FAIRLIE PLACE, 4TH FLOOR, ROOM NO-407 KOLKATA-700001

2. Particulars of the respondents:

(i) Name(s) of the respondent : A. LGW LIMITED, B. MKHS REALTY LLP

(ii) Office address of the respondent : A. NARAYANPUR, 24 PGS N WB-700136, B. BETWEEN GATE 1 & 2, 1ST FLOOR, SALT LAKE STADIUM, BHAGWANDAS TAXI METER TESTING CENTRE KOLKATA WB-700098

(iii) Address for service of all notices : A. NARAYANPUR, 24 PGS N WB-700136, B. BETWEEN GATE 1 & 2, 1ST FLOOR, SALT LAKE STADIUM, BHAGWANDAS TAXI METER TESTING CENTRE KOLKATA WB-700098

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 WORD LIMIT PROVIDED FOR WRITING THE FACTS OF THE CASE AND GROUNDS IS NOT SUFFICIENT . THEREFORE THE FACTS OF THE CASE AND GROUNDS HAVE BEEN ATTACHED SEPARATELY WITH THE ENCLOSURES.

(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) :

In view of the facts and grounds mentioned in paragraph 4 above, the complainant prays for the following reliefs:

- a. That the entire amount of Rs. 35,98,858/- paid by the complainant be refunded by the respondents along with due interest calculated at the rate of 12% thereon from the date of receipt of payment till the date of refund without cancelling/terminating the Booking since the obligations under the agreement have not been complied with yet.
- b. That the complainant be entitled to enter into a fresh agreement as per the Act at the rates as contracted on 27.03.2015.
- c. That the respondents be penalised under Section 59 of the Act for not obtaining registration in pursuance of the requirements of section 3 of the Act.

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d. That the respondents be penalised under Section 61 of the Act for contravention of Section 4(2)(l)(D), Section 14 and Section 18 of the Act.

(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

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

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

An Order directing the respondents to give effect to the reliefs claimed under sl. nos. a and b and simultaneously imposing applicable penalty on the respondents in lieu of relief claimed vide sl. nos. c and d in paragraph 5 above. Further, a direction to the effect that payment towards the consideration for the flat shall be demanded in accordance with the provisions of the Act after duly registering the project with the Authority and also in accordance with the payment schedule stipulated under the Agreement which permits the payment on completion of certain events enlisted therein.

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

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

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.

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 DATED 27.03.2015 (A)

FACTS OF THE CASE AND GROUNDS

LETTER DATED 28.05.2018 AND REPLY DT 08.01.2019 (C)

MONEY RECEIPT AND BANK STATEMENT (B)

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Verification

I NAVIN PATODIA son / daughter of VIJAY KUMAR PATODIA 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 : *25/03/2019*

Navin Patodia

Signature of the applicant(s)