

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/8/2020

Date of receipt by post : _____

Complaint No. : COM000492

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Anurag Shaw Complainant(s)

And

ASPS Developers LLP Respondent(s)

Details of claim :

- Particulars of the complainant(s) :
 - Name of the complainant : Anurag Shaw
 - Address of the existing office / residence of the complainant :
 - Address of the service of all notice :
- Particulars of the respondents:
 - Name(s) of the respondent : ASPS Developers LLP
 - Office address of the respondent : 45 Christopher Road ,Kolkata,Kolkata Tangra,West Bengal,700025
 - Address for service of all notices :
- Jurisdiction of the Authority : Kolkata
- The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

This is to bring to your notice that I had made a booking for a flat '10H' in tower 1 on 12th of June, 2017 in the project 'Flora Fountain' bearing HIRA registration number HIRA/P/KOL/2018/000050 .The commencement of the project construction is from 10th of April, 2016 and the builder was supposed to complete the project construction within 48 months i.e. 8th of April , 2020 from the commencement date which they failed to deliver and extracted 90% of the total cost of the project from us till 2019 (to be precise 75% till 2018).

They are already enjoying an additional 12 months grace period as per agreement. How is this justified that after 12 months of grace period they will get a further relaxation of 9 months from Authorities for completion? We as buyers have paid almost full money but not getting any compensation neither possession of our flat in spite of making the booking three and a half years ago, paying enormous interest as well as rent. It is not understood that for completing only 10% of work the builder needs additional 2 years of time.

We also see that HIRA has given 9 months extension to all the projects registered under WBHIRA . We kindly request you to go through this projects completion status as this project is already delayed by 5 months from the completion date and if we go by the HIRA's regulation it will be delayed by 1 year 9 months in total . We as customer's who has paid off 90% of the total cost of the project from hard earned money feel exploited as we are not being compensated for anything from any angle. As per my agreement page no. 20 clause no. 6.4 the promoter shall be liable to pay me an interest of the paid amount so far at the rate of 18% p.a. if they fail to handover my flat. Kindly, make the builder abide by the term and condition of the sale of agreement which was signed dated 12 day of June,2017.

NOTE: The builder also extended two floors to maximize their profits towards the completion date.

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

FORM 'J'
See rule 36(1)

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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 pray to this esteemed institution to take attention and further get my possession as per the sale of agreement or else get my interest paid @18% pa on the entire money I have paid so far as it has become very difficult for me mentally and financially. I am paying bank interest as well as rent I don't have any clarity where my finances are going and where the builder is taking me.

(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:

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

(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(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)

Verification

I Anurag Shaw son / daughter of Suresh Shaw 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 : 09.09.2020

Signature of the applicant(s)