

COMPLAINT TO AUTHORITY  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 1/12/2021

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

Complaint No. : COM000605

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

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

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

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

Between

Ram Kumar Pandey Complainant(s)

And

RIVERBANK DEVELOPERS PRIVATE LIMITED

Respondent(s)

**Details of claim :**

1. Particulars of the complainant(s) :

(i) Name of the complainant : Ram Kumar Pandey

(ii) Address of the existing office / residence of the complainant : 1/38, Arbinda Nagar, Near Vijaygadh College Kolkata, Kolkata, Kolkata, Jadavpur, 700032

(iii) Address of the service of all notice : Sandip Agarwal and Co,  
Advocates and Solicitors,  
10, Old Post Office Street, Room No. 10  
Kolkata- 700001

2. Particulars of the respondents:

(i) Name(s) of the respondent : RIVERBANK DEVELOPERS PRIVATE LIMITED

(ii) Office address of the respondent : 1 NEW BATA ROAD, BATANAGAR, MAHESHTALA, South 24-Parganas, Thakurpukur Maheshtala Maheshtala, West Bengal, 700140

(iii) Address for service of all notices : Riverbank Developers Private Limited  
225 C, AJC Bose Road, 4th Floor, Kolkata- 700020

3. Jurisdiction of the Authority : South 24-Parganas

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

The complainant states that that complainant had invested for booking an apartment in one of the residential projects of the respondent company being "Hiland Greens" located at Municipal holding/premises number 1, new Bata Road, Batanagar, Maheshtala, Kolkata 700140 (hereinafter referred to as the said project). The said project has registration number being HIRAP/SOU/2019/000583. Upon payment of allotment money and application money the complainant was allotted apartment being apartment no. 8A4 on the 8th Floor, tower-31 in the said project. The complainant had entered into a tri partite agreement with IDBI bank and the respondent to finance the purchase of the said apartment. The said complainant made payments through loan financed by the IDBI bank and from his own savings of a sum of Rs. 19,99,294/-. The complainant states that all the instalments for booking the said apartment were paid in accordance with the payment schedule agreed between the parties. Thereafter complainant vide email dated 17th May 2019 communicated to the respondent that he wants to proceed with the cancellation process. The respondent had confirmed the cancellation by e-mail dated 25th June, 2019 and 15th July, 2019 and letter dated 4th May 2020 where the respondent had stated that after necessary deduction of 15% cancellation charges and other charges the refund process will be initiated and the refund amount of Rs. 15,95,620/- will be refunded. The respondent never initiated such refund process. The complainant states that the complainant through its advocate sent demand letter dated 29th June 2020, 22nd August 2020 and the respondent company had replied to the said letters by replies dated 24th July 2020 and 16th November 2020 stating that the

*Ram Kumar Pandey*

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refund is under process but never took any steps further. The complainant states that the complainant is entitled to refund of a sum of Rs. 15,95,620/- along with interest of 18% p.a. from 25th June 2019 till date of realisation.

(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) :

1. The complainant prays that an order be passed by the Learned Authority to direct the respondent to refund the complainant a total sum of Rs. 15,95,620/- along with interest of 18% p.a. from 25th June 2019 till date of realisation.

2. The complainant prays that an order be passed by the Learned Authority directing the respondent to pay compensation to the complainant of a sum being 10% of the total refund amount of Rs.15,95,620/- or such sum as the Authority may fit deem and proper as damages for mental harassment, financial loss and legal expenses borne by 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:

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 states that there are no pending adjudication for the current complaint before any court of law or adjudicating authority.

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)

ALLOTMENT LETTER DATED 1/03/2014 ALONG WITH PAYMENT RECEIPT OF ALLOTMENT MONEY AND TAX INVOICE

ALLOTMENT OF CAR PARKING LETTER DATED 18.10.2017

APPLICATION MONEY PAYMENT RECEIPT

CANCELLATION EMAIL CORRESPONDANCES

CANCELLATION LETTER DATED 4TH MAY 2020

DEMAND LETTER DATED 29/06/2020

DEMAND LETTER FOR PAYMENT OF 1ST INSTALLMENT ALONG WITH INVOICE AND PAYMENT RECEIPT

*Ramkrishna Pandey*

FORM 'J'  
See rule 36(1)

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DEMAND LETTER FOR PAYMENT OF 2nd INSTALLMENT ALONG WITH INVOICE AND PAYMENT RECEIPT

DEMAND LETTER FOR PAYMENT OF REMIANING INSTALLMENT ALONG WITH INVOICES AND ALL  
PAYMENT RECEIPT

GENERAL TERMS AND CONDITIONS

LETTER OF FORECLOSURE

REPLY LETTER DATED 16TH NOVEMBER 2020

REPLY TO DEMAND LETTER DATED 24TH JULY 2020

REQUEST LETTER FOR REGISTRATION OF DEED OF CONVEYANCE

TRIPARTITE AGREEMENT WITH IDBI BANK AND RESPONDENT DATED 28/01/2016

Verification

I Ram Kumar Pandey son / daughter of Ramesh Pandey 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 : 12/01/2021

*Ram Kumar Pandey*

Signature of the applicant(s)