

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 : 11/4/2021

Date of receipt by post : _____

Complaint No. : COM000783

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Debasis Pahari Complainant(s)

And

Elita Garden Vista Project Private Limited Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :
 - (i) Name of the complainant : Debasis Pahari
 - (ii) Address of the existing office / residence of the complainant : Action Area III, New Town, Elita Garden Vista, Tower 11, Apartment No.: 501, North 24-Parganas, Newtown Kolkata Development Authority, Rajarhat, 700135
 - (iii) Address of the service of all notice : C/O Gopa Ray, Flat No 9, Reyba Accomodate (Behind MORE Supermarket), Mankundu Natunpara, Chandannagar, Hooghly, PIN : 712 136, West Bengal, India
2. Particulars of the respondents:
 - (i) Name(s) of the respondent : Elita Garden Vista Project Private Limited
 - (ii) Office address of the respondent : III E-0004 Action Area III E, Vill & P.O. Akandakeshari, New Town, Kolkata 700135, North 24-Parganas, Rajarhat New Town, West Bengal, 700135
 - (iii) Address for service of all notices : 3/1 Dr. U. N. Brahmachari Street, Kolkata - 700 017
3. Jurisdiction of the Authority : North 24-Parganas
4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

HIRA website shows completion date on this project is 30 Sept 2021, but the project is not completed in all aspects. Below listed works are still pending

 1. Electric Connection with individual meter from WBSEDCL
 2. Deficiency of Storm Water Drainage system which causes complete waterlogging within very short duration of heavy down pour. The waterlogging is sustained for few days, normal life is completely disturbed due to waterlogging.
 3. Internal driveway is damaged, plenty of potholes appeared due to water logging
 4. Rainwater back flow from balcony outlet pipe and flooded apartment during heavy shower
 5. Indoor badminton court near new club house is leaking during rain
 6. Recycled water from Sewage Treatment Plant (STP) to bathroom flush tank gives foul smells continuously
 7. water seepage during rain through the junction points of window frame and wall

Above points are not properly addressed and fix it permanently despite of repeated request / complaint to the project team.

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

5. Relief(s)

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In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) :
Required help from WBHIRA for resolving the issues on immediate effect:

1. Immediate provision of installing electric meter
2. Redesigned the storm water drainage system for quick discharge
3. Internal drive way should be made up of concrete or paver block to avoid damage due to water logging
4. Install upsized rainwater outlet pipe considered the total rain water discharged volume from all balconies during heavy rain
5. Rectification of present roofing or cast RCC roof with proper water proofing
6. Standard Operating Procedure (SOP) should be followed to eliminate bad smell
7. Proper sealing work from outside and inside

(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:
Completion Approval by WBHIRA must be stopped until all pending works are completed.

Pending final decision on the complaint the complainant seeks issue of the following interim order:
Completion of pending work by end of this year (2021)

(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)

Email complaint for rain water back flow

Verification

I **Debasis Pahari** son / daughter of **Late Abani Kumar Pahari** 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 : Chandannagar

Date : 04 Nov 2021

Signature of the applicant(s)

Re: Blk 11 - 501 : water back flow issue

From: Debasis Pahari (dpahari@yahoo.com)

To: sathishpuri@surekaproperties.com; debojyoti.s@elita.in

Cc: egvtechnical@gmail.com; anirbanb@icloud.com; egvmaintenance@gmail.com; reeva_ray@yahoo.co.in

Date: Sunday, September 19, 2021, 05:31 PM GMT+8

Dear Mr. Sengupta,

This issue was first raised on 31st May 2021. Till now the problem hasn't been resolved.

Every time the living room gets flooded during heavy shower due to back flow of water from balcony, drawing / dining room furniture and other household items are getting damaged. We have informed you and maintenance office regarding the said problem on every time we faced. Unfortunately, no rectification work has done to resolve this issue permanently – except sending representative just to eye wash the inhabitants.

Last time I mentioned in my email that the outlet pipe is undersized. The pipe size is not properly determined considering the complete rainwater volume collection from top floors. Video photograph has been sent to you earlier. The problem is persistent during heavy shower.

Please note that I am a civil engineer – working in this field for last 25 years and have been able to recognize the actual reason of backflow of water.

If you are sincere to resolve this problem on permanent basis the rainwater pipe should be replaced. Therefore, I request you to handle this issue with proper planning and assessment.

Dear Mr. Puri,

I am involving you here as it is a long-time pending issue and also project quality issue.

Now I have a doubt on main structural element design integrity. How would I be comfortable or feel safe on its structural integrity when a non-structural element like rainwater outlet pipe is very much under designed?

Assuming back flow water problem will be addressed by the project team with proper assessment. Hoping that the building structural integrity is not compromised.

Thanking you with anticipation.

Regards,

Debasis Pahari
(Owner of T11 - 0501)

On Tuesday, September 14, 2021, 10:43:40 PM GMT+8, Anirban Bhattacharya <anirbanb@icloud.com> wrote:

Dear Mr. Sengupta,

The water backflow issue is still persistent as evident from today's heavy rainfall. The entire balcony was flooded with water seeping in through the aluminum channels. Hopefully, we were at home this time and could clear way the furniture in time.

A gentleman from Elita group did visit the flat a month back or so and assured that the issue had been taken care of by cleaning the drain water pipes. Although I tried to reason with him that blockage is not the cause of the backflow, he seem pretty confident of the actions taken. I finally chose to wait and see the effects.

Long story short, it is time that the larger picture be looked into and the real cause of the problem be identified because the temporary solutions have been proved to be inefficient time and again.

I request you to take this issue on priority and help getting it resolved.

Thanks,
Anirban Bhattacharya

----- Forwarded Message -----

From: EGV Maintenance <egvmaintenance@gmail.com>

To: Debasis Pahari <dpahari@yahoo.com>

Cc: Debojyoti S. <debojyoti.s@elita.in>; Elita Garden Vista Technical Support <egytechnical@gmail.com>; Satish Puri <satishpuri@surekaproperties.com>; Anirban Bhattacharya <anirbanb@icloud.com>

Sent: Wednesday, July 14, 2021, 12:33:54 PM GMT+8

Subject: Re: Blk 11 - 501 : water back flow issue

Dear Sir,

The necessary rectification work will be done tomorrow.

RE: Somnath

As discussed please ensure the same is being done by tomorrow..

Regards-

Biplob Hazra

For EGV Association of Apartment Owners

On Tue, Jul 13, 2021 at 7:30 PM Debasis Pahari <dpahari@yahoo.com> wrote:

Dear Mr. Sengupta,

Please refer my below e-mails regarding water back flow issue. I have also sent few messages to your WhatsApp number but unfortunately no response has been received yet.

This problem is making life miserable and damaging lot of house hold items which are kept at living room.

Please be kind enough to acknowledge my complaint and take necessary steps to resolve this issue at the earliest.

Hope our situation will be understood and permanent solution to be provided.

Thank you with anticipation.

Regards,
Debasis Pahari
(Owner on Flat T11 - 501)

----- Forwarded Message -----

From: Debasis Pahari <dpahari@yahoo.com>

To: Debojyoti S. <debojyoti.s@elita.in>

Cc: Tonmoy Chatterjee <tonmoy@elita.in>; EGV Maintenance <egvmaintenance@gmail.com>; Elita Garden Vista Technical Support <egytechnical@gmail.com>; Anirban Bhattacharya <anirbanb@icloud.com>

Sent: Wednesday, July 7, 2021, 08:55:18 PM GMT+8

Subject: Re: # 0501 at Blk 11

Dear Mr. Sengupta,

This is further continuation with my earlier mail dated 31 May 2021.
Water overflow issue is not yet resolved.

Today again water is back flowing through drain pipe to balcony during heavy shower. Please refer attached video clip taken during rain water entering to the balcony area, as a result living room is flooded.

It is a clear indication of poor assessment on main water outlet pipe size. Existing pipe size is inadequate to handle entire rainwater from top floors during heavy rainfall.

Proper engineering assessment and rectification method is required to resolve this issue. Any short term eye wash approach (JUGARD technology) will not fix this problem.

Hope, you will take this on priority basis with the project team and resolve this issue at the earliest.

Your attention on this issue to make our life little better.

Thank you with anticipation.

Regards,
Debasis Pahari
(Owner on Flat T11 - 501)

On Monday, May 31, 2021, 09:42:28 AM GMT+8, Debasis Pahari <dpahari@yahoo.com> wrote:

Good Morning Mr. Sengupta,

I am owner of T11 #0501.

There is major water drainage problem faced by my Tenant, Mr. Bhattacharya, today morning (31 May 2021).

Leaving Room is flooded with water (water stagnation is about 2") from Balcony due to heavy rain. It is quite obvious that the balcony water is not smoothly drained out during rain. The concern has already raised to the EGV maintenance team but unfortunately it can't be attained before 8am (IST). **It is also stated that the work is related to project.**

Please refer below e-mail which is self explanatory.

Your immediate help is very much appreciated. I have already messaged you in WhatsApp.

Thank you.

Regards,
Debasis Pahari

----- Forwarded Message -----

From: Anirban Bhattacharya <anirbanb@icloud.com>

To: EGV Maintenance <egvmaintenance@gmail.com>

Cc: Elita Garden Vista Technical Support <egytechnical@gmail.com>; Debasis Pahari <dpahari@yahoo.com>

Sent: Monday, May 31, 2021, 09:20:01 AM GMT+8

Subject: Re: # 0501 at Blk 11

Water had flooded the flat and water kept entering from the balcony. Noticed water is entering the balcony through the drain pipe.

Called up maintenance and they said they can't do anything before 8 am, and that it is the job of the projects.

Me and my wife had to scrape out the water

Sent from my iPhone

On 29-May-2021, at 3:50 PM, EGV Maintenance <egvmaintenance@gmail.com> wrote:

Dear Somnath,

Please send a plumber and get the subject flat inspected.

Regards-
Biplob Hazra
For EGV Association of Apartment Owners

On Tue, May 18, 2021 at 9:49 AM Anirban Bhattacharya <anirbanb@icloud.com> wrote:

Dear Sir,

For the past 2-3 days dark water with residues and foul smell are coming out from the cisterns. Is there any problem with the STP in general or something wrong with this flat?

The helpdesk feature seems to be unavailable in MyGate, hence communicating via email.

Thanks,
Anirban Bhattacharya