

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 : 9/11/2019

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

Complaint No. : COM000138

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

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

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Smt. Basanti Halder Complainant(s)

And

1)SRI GANESH HALDER, 2) ASHRAF HOSSAIN, 3) AVIJIT DAS, 4)  
CHAMPA DEY Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Smt. Basanti Halder
- (ii) Address of the existing office / residence of the complainant : 43/2/1A, Jheel Road, New Land, South 24-Parganas, Thakurpukur Mahestola, Jadavpur, 700031
- (iii) Address of the service of all notice : 43/2/1A, Jheel Road, New Land, P.S. Garfa, P.O. Dhakuria, Kolkata - 700031

2. Particulars of the respondents:

- (i) Name(s) of the respondent : 1) SRI GANESH HALDER, 2) ASHRAF HOSSAIN, 3) AVIJIT DAS, 4) CHAMPA DEY
- (ii) Office address of the respondent : 46, GOBINDAPUR ROAD, P.O. LAKE GARDEN, P.S. LAKE KOLKATA - 45
- (iii) Address for service of all notices : 1) 46, GOBINDAPUR ROAD, P.O. LAKE GARDEN, P.S. LAKE KOLKATA - 45,

2) 77A, TOPSIA ROAD, P.O. & P.S. TILJALA, KOLKATA - 700039, SOUTH 24 PARGANAS,

3) 5A, DASNAGAR COLONY, P.O. LAKE GARDENS, P.S. LAKE , KOLKATA - 700045

4) 43/2/1A, JHEEL ROAD, GROUND FLOOR, P.O. DHAKURIA, P.S. GARFA, KOLKATA - 700031, SOUTH 24 PARGANAS

3. Jurisdiction of the Authority :

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

- a) That the complainant entered into an regd. Development Agreement dt 28.10.16 (said Development Agreement) with the respondents followed by and regd. Dev. Power of Attorney dt 09.11.2016 (said power of attorney) to develop her property as stated in development Agreement.
- b) That in terms of clause 11 delineated at Page 12 of the said regd. Development Agreement dated 20.10.16 the complainant is entitled for allocation of the entire northern side of the proposed three storied building being 50% of the total area of the same to be constructed in accordance with the sanctioned building plan obtaining the same for KMC.

In addition to the above referred owner's allocation the respondents should pay Rs. 4,00,000/- to the Owner, stated

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in 11 as stated at page 13 of the said Development Agreement.

- c) That in terms to the said Development Agreement remaining Rs. 2 Lacs should be paid to the complainant after two months from the date of starting of the proposed constructed work on the said property which was not paid till date
- d) That the Developers, respondents herein 1 to 3 were in a strict compliance to handover the owners allocation within 24 months alongwith a grace period of 6 months from the date of starting of construction work. And Rs. 10,000/- per month to be paid for such extended period (clause 1 of Page 33 of the said Development Agreement).
- e) That the respondents started dev work on 15.01.17 but till date no copy of the sanctioned building plan has been handed over to the complainant after repeated request . The complainant herein have repeatedly requested the respondents not only prior to commencement of the construction work on the said property but also after the commencement of the same to handover the copy of the sanctioned building plan in terms to which the construction/development work is going on but all the requests have yielded not result at all.
- f) That the respondents herein have not complied for which complainant sought relief in next para.

(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) On the basis of appropriate direction to be passed by the Authority under the West Bengal Housing Industry Regulation Act, 2017, the Respondents shall serve a copy of the sanctioned building plan and/or modified sanctioned building plan on the basis of which the proposed building is duly erected on the said property.
- b) Appropriate direction upon the Respondents No. 1 to 3 to pay Rs.2,00,000/- being the remaining part of the Rs.4,00,000/- alongwith interest @ 18% accrued thereon from 10.01.2017 (being the date after two months for the commencement of work) to till date of payment;
- c) Appropriate direction of Rs.10,000/- for 29.04.2019 months amounting to Rs.60,000/- alongwith the @ interest Accrued thereon @ 18% upto the date of payment.
- d) Appropriate direction upon the Respondents 1 to 3 to provide the possession letter and Completion Certificate within regard to the newly erected building developed on the said property if obtained.
- e) Appropriate direction upon the Respondents 1 to 3 to complete the fixtures and fittings to the owner's allocation as per the terms and condition of the said Development Agreement.

(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:

1. Appropriate direction and/or direction may kindly be passed do restrain the respondents not to create and disturbances and/or evict the Complainant with her family members for the present occupation of the complainant on the northern side of the entire building on the said premises.
2. Further order to restrain the respondent (1 to 3) to enter into an agreement for sale of Flats in the said new erected building standing on the said property.
3. Any further order/orders Your Honour deem fit and proper.

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

1. Appropriate direction and/or direction may kindly be passed do restrain the respondents not to create and disturbances and/or evict the Complainant with her family members for the present occupation of the complainant on the northern side of the entire building on the said premises.
2. Further order to restrain the respondent (1 to 3) to enter into an agreement for sale of Flats in the said new erected building standing on the said property.
3. Any further order/orders Your Honour deem fit and proper.

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

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

the complainant has not file any case and/or litigation in connection with the said property against the respondent in any court of law or any legal authority till the date of filing of this complaint case.

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).

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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)

Receipts of property tax of complainant

Regd. Dev. Power

Regd. Development agreement

**Verification**

I **Smt. Basanti Halder** son / daughter of **W/o Ranjan Halder** 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 : **13.09.19**

**সম্প্রতি শালি**  
Signature of the applicant(s)