

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 : 1/10/2020

Date of receipt by post : _____

Complaint No. : COM000244

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Manabendra Ghosh Complainant(s)

And

SRINIVAAS INFRA DEVELOPERS PVT. LTD. Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Manabendra Ghosh
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice : D.D. Associates, Advocates,

12/2, Old Post Office Street.
2nd Floor, Room No.2
Kolkata-700001

2. Particulars of the respondents:

- (i) Name(s) of the respondent : SRINIVAAS INFRA DEVELOPERS PVT. LTD.
- (ii) Office address of the respondent : 9A/1, UMAKANTA SEN LANE ,Kolkata,Kolkata Chitpur,West Bengal,700030
- (iii) Address for service of all notices : 9A/1, UMAKANTA SEN LANE ,Kolkata,Kolkata Chitpur,West Bengal,700030

Srinivaas Infra Developers Pvt. Ltd.,
209, C.R. Avenue,
Kolkata-700006

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:

I. That the complainants had booked a residential flat bearing No. 3E, on the third floor in Block No.2 measuring super built up area 1399 sq. ft. (more or less) and built up area of 1050 Sq. Ft. in the building named "MERIDIAN SPLENDORA" to be constructed on a portion of premises No. 9A/1, Uma Kanta Sen Lane, Kolkata-700030, Police Station- Chitpur and one open stack car parking space on the ground floor of the said building in consideration with Rs.82,90,610/- (Rupees Eighty Two Lakh Ninety Thousand Six Hundred Ten only) in addition with Advance one year maintenance charge- Rs. 41,970/-, Sinking fund- 41,970/-, Utility Charges- 2,09,850/- and Legal and documentation charges- 20,000/- Total 86,04,400/- (Rupees Eighty Six Lakh Four Thousand Four Hundred only)

II. That your complainants makes payment of Rs.1,95,000/-, Rs.1,14,270/-, Rs.21,407/-, Rs.2,00,000/-, Rs.8,500/-, Rs.3,35,000/-, Rs.15,046/- to the Srinivaas Infra Developers Pvt. Ltd., as part by part through the cheques being nos. 083404, 600600, 015895, 021891, 015892, 035919, 015891 as per the agreement dated 23rd June, 2015 and the respondents issued the statement of account for the same.

III. That as per the Agreement dated 23rd June, 2015, the respondents assured to handover the possession of the said flat to the complainant on or before June, 2018 with a grass period of 6(Six) months.

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IV. That the complainants took a home loan at the tune of Rs. 67,95,000/- from State Bank of India, Uttarpara Branch, 123, G.T. Road, West Bengal-712258 being A/c No. 35058243798 and complainants have to pay EMI of Rs. 29,100/- per month from November, 2016 and Rs. 54,400/- per month from January, 2018 for the said loan. The respondents received Rs. 57,75,593/- from the said loan.

V. That after the said agreement the complainants repeatedly request the respondents for the completion of the said flat, but the respondents have wilfully and deliberately neglect their request.

(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) To cancel the Agreement dated 23rd June, 2015 and refund the earnest money of Rs. 74,64,816/- along with interest of 18% per annum till the date of realization;
- b) To stop the EMI which was payable to the Bank and refund the interest amount which was paid by the complainant to the bank till date;
- c) To pay compensation of Rs 50,000/- along with litigation cost of Rs. 10,000/-.

(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 complainants further declare 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)

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)

Statement of Account

Verification

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Verification

I **Manabendra Ghosh** son / daughter of **Late Kunja Behari Ghosh** 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 : *10.01.2020*

Manabendra Ghosh

Signature of the applicant(s)