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**Subject: Re: Possession of Apartment B 1A – D4**

From: ramkrishna sinha<ra\_kr@rediffmail.com> on Wed, 25 Mar 2020 14:23:10

To: "DTC Support "<query@dtcgroup.in>

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Dear Sir It is appreciated that it has been acknowledged that there is compensation clause in the Agreement For Sale. The "Force Majeure" clause invoked for non consideration of payment of compensation is not agreed to on grounds: 1. Compensation is linked with the handing over the possession of the Flat and not with submitting application for issue of Completion Certificate (CC) to Local authority as has been stated in the reply. 2. Clause 7.1 of The Agreement lays down the "Force Majeure" clause which are (i) War (ii) Flood (iii) Drought (iv) Fire (v)Cyclone (vi) Earthquake (vii) Any Statutory order, Rule , notification (viii) order or Direction of Court (ix) Any Other Calamity The reason of delay by the government official does not come under it. 3. There are mechanisms available to get the directions issued by Higher authorities courts etc. if ant government official is delaying. It is not understood and known why the delay occurred? Was the information required provided? When was the inspection before issue of CC was done by government official? What effort was made by DTC to obtain CC. 4. The statement that project was completed on 11.09.2019 and applied for CC is incorrect on grounds • Lift was not ready in Sept 2019. • Water Treatment plant and water testing report was not ready in Sept 2019. • Transformers were not available at site in Sept 2019. • Indoor works such as Laying of tiles on Floor, Kitchen slabs, Bathroom Fittings, Applying Putty on Wall etc. in the Flat B1A-D4 was not done and not even started in Sept 2019. • The company website which was updated on monthly basis stated Lift work installation and finishing work going on till Dec 2019. This information is now not available on the company website [www.southernheights.in](http://www.southernheights.in). 5. As per clause 17 ,Chapter IV of WB HIRA Rules 2018 Photographs of ongoing construction work, the approvals received and approvals applied along with expected date of approval was to be uploaded on the website of the HIRA authority [hira.wb.gov.in](http://hira.wb.gov.in). It has not been done. It was not mentioned in company website also. This means that the customer had no knowledge of what is going on regarding CC. Moreover the content of Company website is modified without keeping the past relevant information. 6. As per clause 7.2 of Registered Sale Agreement dated 26.10.2019 with deed no 190106030 for the year 2019 the responsibility to obtain CC is with the DTC. 7. Partial completion plan is issued on 13-02-2020 and the invoice for Final Demand by DTC is sent more than one month thereafter on 15.02.2020. It is hard to understand the delay here in this case. The Central government and state government has completed restricted the movement of the people due to outbreak of CORONA -19. It has been declared as Pandemonic. It is reported that even the site office of DTC at JOKA is closed. Therefore at present till the movement restriction is not lifted up by the government I will not be in position to hand over the cheque against the demand invoice against possession sent on 15.03.2020. It will be paid soon after when the Government relaxes the movement restriction imposed. Meanwhile It is requested to keep the document of Registered Sale agreement Ready. Sheela Devi Flat no 7/3/A Railway Officer's Enclave J K Paul Road, New Alipore Kolkata 700038 Mob : 9794054000

From: DTC Support <query@dtcgroup.in>  
Sent: Sat, 21 Mar 2020 15:45:25  
To: ra\_kr@rediffmail.com  
Subject: Re: Possession of Apartment B 1A – D4

Dear Mrs.Sheela Devi,  
Thank you for your reply. Details of your replies are mentioned below :

1. If the extra amount of Rs.19678/- charged on account of increase in GST as explained, it is acceptable and would be paid.

Thank you for your cooperation.

(ii) The demand invoice before Final Possession is sent by email on 15.03.2020 which is back dated as Demand invoice date is 07.03.2020.

Reply: Yes, the Invoice entry has been done before but delayed for input credit calculation and then generated.

(iii) As per the clause of 7.6 registered sale agreement, the compensation is to be paid on monthly basis within 45 days. It is not at all linked with final payment. It is surprising that the compensation has not yet been calculated and has been linked with final payment which is against the registered sale agreement .

Therefore, the remarks by DTC is not acceptable and compensation to be calculated at the earliest and should be paid as per the registered sale agreement and WB HIRA Act 2017 and WB HIRA Rules 2018.

Reply: As per clause 7.6 of registered sale agreement ***developer will pay interest when Promoters fail to complete or is unable to give possession of the Apartment***, but we have completed and applied for Completion Certificate on dated **11/09/2019**, (which is before your possession date as mentioned in the registered sale agreement which is mentioned as 31/12/2019), in South 24 Parganas Zila Parishad and received the C.C on dated **13th February 2020** which is **155** days later.

Now, getting C.C from the Government department is not within the control of Developer as per Force Majeure event of clause 7.6 of registered sale agreement. Hence, payment of interest is not applicable.

3. The partial completion plan has been sent through email dated 19-03-2020 but completion certificate is not attached. As per my understanding, completion plan and completion certificate are different.

Reply: Completion certificate is applicable when the entire project is completed and applied for C.C, but we are not completing the total project at a time, we are giving possession a part of the total project. So, the certificate will not be available now.

4. As per WB HIRA Act completion of civic infrastructure such as water, sanitation and electricity is to be checked at the time of issue of occupation certificate. The construction of building only is to be checked at time of issue of Completion plan.

Reply: First of all Completion Certificate and Occupation Certificate are the same. After completion of civic infrastructure only we have applied for C.C.

5. It was requested to publish the relevant details on the website of WB HIRA sales which has not been answered. It devoids lack of authentic information about the ongoing project to the buyers.

Reply: As per the directives of HIRA we have published all those information in their website which are required. If you have more query then please visit our website - [www.southernheights.in](http://www.southernheights.in) or write to us here.

6. The statement that the said phase is in habitable condition in objected to on following grounds  
(i) The defect mentioned in the initial inspection has not yet been complied and informed.

Reply :

The snags which are mentioned are being looked after by our finishing team. If there are any snags which are within our scope, we will be calling you again for the inspection.

Be rest assured that any snag found which is within the scope will be rectified from our end.

(ii) The sewer lines are lying open at many locations. Lot of construction material is on the roads.

Reply: Sewerage is operational right at the moment. This is the new project, so materials will be there but the cleaning part is going on.

(iii) Transformer has not yet been charged which means it is not in usable condition now. Electrical panels in the flats are open in front of main door of the flats.

Reply: We have already provided electricity to those customers who have taken fitment possession and also staying right now. In front of main door of your flat is common area, and maintenance in common does not indicate that project work has not yet finished. It is maintained for uninterrupted service.

(iv) Final inspection has not been offered.

Reply:

The snags which are mentioned are being looked after by our finishing team. If there are any snags which are within our scope, we will be calling you again for the inspection.

Be rest assured that any snag found which is within the scope will be rectified from our end.

(v) CCTV and Intercom and other amenities as mentioned in Schedule M of the registered sale agreement has not yet been made functional.

Reply: These are ready and we shall start the operation of these facilities once the handover process is over.

Regards

**DTC Projects Pvt. Ltd.**

On DH Road, Next to IIM Kolkata next to, Kolkata, West Bengal 700104

On Fri, 20 Mar at 1:08 PM , SHEELA DEVI <ra\_kr@rediffmail.com> wrote:

I am happy to receive reply against the my email dated 17-03-2020 promptly on 19-03-2020 as my email dated 06.03.2020 addressed to Sri Abhishek had not yet been answered . The pointwise comments on reply received through email dated 19-03-2020 is as under. 1. If the extra amount of Rs.19678/- charged on account of increase in GST as explained, it is acceptable and would be paid. 2. Regarding payment of compensation as required following points are brought out. (i) On 21.02.2020 vide email it has been stated that completion certificate has been granted on 13.02.2020. It was also requested to take possession of the apartment at the earliest and complete the registration of the conveyance. (ii) The demand invoice before Final Possession is sent by email on 15.03.2020 which is back dated as Demand invoice date is 07.03.2020. (iii) As per the clause of 7.6 registered sale agreement, the compensation is to be paid on monthly basis within 45 days. It is not at all linked with final payment. It is surprising that the compensation has not yet been calculated and has been linked with final payment which is against the registered sale agreement . Therefore, the remarks by DTC is not acceptable and compensation to be calculated at the earliest and should be paid as per the registered sale agreement and WB HIRA Act 2017 and WB HIRA Rules 2018. 3. The partial completion plan has been sent through email dated 19-03-2020 but completion certificate is not attached. As per my understanding, completion plan and completion certificate are different. 4. As per WB HIRA Act completion of civic infrastructure such as water, sanitation and electricity is to be checked at the time of issue of occupation certificate. The construction of building only is to be checked at time of issue of Completion plan. 5. It was requested to publish the relevant details on the website of WB HIRA sales which has not been answered. It devoids lack of authentic information about the ongoing project to the buyers. 6. The statement that the said phase is in habitable condition in objected to on following grounds (i) The defect mentioned in the initial inspection has not yet been complied and informed. (ii) The sewer lines are lying open at many locations. Lot of construction material is on the roads. (iii) Transformer has not yet been charged which means it is not in usable condition now. Electrical panels in the flats are open in front of main door of the flats. (iv) Final inspection has not been offered. (v) CCTV and Intercom and other amenities as mentioned in Schedule M of the registered sale agreement has not yet been made functional. The entire flats is required to be cleaned from inside. All that I want is flat should be quickly made in habitable condition and jointly verified by buyer and DTC so that it can be used. This at present is being claimed unilaterally by DTC Sheela Devi Flat no 7/3/A Railway Officer's Enclave J K Paul Road, New Alipore Kolkata 700038 Mob :

9794054000

From: DTC Support <[query@dtcgroup.in](mailto:query@dtcgroup.in)>  
Sent: Thu, 19 Mar 2020 23:15:56  
To: [ra\\_kr@rediffmail.com](mailto:ra_kr@rediffmail.com)  
Subject: Ticket Resolved - Possession of Apartment B 1A – D4

Dear SHEELA DEVI,

Our Support Rep has indicated that your ticket has been Resolved.

If you believe that the ticket has not been resolved, please reply to this email to automatically reopen the ticket.

If there is no response from you, we will assume that the ticket has been resolved and the ticket will be automatically closed after 48 hours.

Sincerely,  
DTC GroupSupport Team  
<https://dtcgrouphelp.freshdesk.com/helpdesk/tickets/310>

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