

**JIT SAHA**  
**ADVOCATE**

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**Calcutta High Court,**  
**Bar Association Room No.-7**  
**Kolkata - 700 001**  
**Telephone: (033)2248 3190, 2248 3169**

Ref. No.:.....

Date: 20.4.2018

To

1. The Chairman,  
Eden Realty Ventures Pvt. Ltd.,  
Metropolitan Building,  
7, J.L. Nehru Road,  
Kolkata-700013.
2. The Marketing Director,  
Eden Realty Ventures Pvt. Ltd.,  
Metropolitan Building,  
7, J.L. Nehru Road,  
Kolkata-700013.
3. Eden Realty Ventures Pvt. Ltd.,  
Metropolitan Building,  
7, J.L. Nehru Road,  
Kolkata-700013.

Sub: Demand Justice

My Client: SHANTI PADA DIKSHIT  
Residing at Flat No.3C, 3<sup>rd</sup> Floor, Purbarag-1,  
Sisirkunja, Madhyagram, Kolkata-700129.

Sir(s),

Under instruction on and from my client, Shanti Pada Dikshit as above said, hereinafter referred to as my said client. I do hereby serve you, the demand justice as follows:-

1. That my said client applied for a flat in Salaries under Realty Ventures Pvt. Ltd., by lottery and my said client paid Rs.1,00,000/- (Rupees One Lakh only) as application money for participating in the Lottery process for a type 'C' flat by demand draft No.299983, dated 26.07.2017 drawn on HDFC Bank, Stephen House Branch.

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2. That my said client issued a letter dated 11.10.2017 for refund of his application money as he fell in financial hardship on various ground as your authority had not issued any provisional allotment letter, to my said client till to the said date.

3. That your authority suddenly issued a letter to my said client that your authority cancelled the provisional allotment due to non-payment of allotment money as per GTC and in the said letter your authority further made information to my said client, that you authority issued provisional allotment letter dated 21.09.2017 in respect of provisionally allotted Flat No. 806 in Tower-II with an advise to submit the requisite demand draft amount of Rs.6,07,508.00 (Rupees Six Lacs Seven thousand Five hundred Eight) only by 20.10.2017. But it is the fact that my said client neither received any such provisional allotment letter nor received any letter to deposit the subsequent payment in respect of Flat No. 806 in Tower-II.

4. That as your authority neither issued any provisional allotment letter nor made any communication before the letter dated 11.10.2017 issued by my client, the letter dated 02.11.2017 issued by your authority is purported with malafide intention to misappropriate the application money of my said client.

5. That my client is not abide by the terms and condition of your GTC as you have not issued any provisional allotment letter to my said client in respect of the said flat since the right to flat arises only on the communication of the letter of allotment and as my said client is not willing to take on accept the allotment due to his financial difficulties, it is always open to him to decline to the allotment. After all provisional allotment is only a mode, a method, a process to identify the allottee i.e. it is a process of selection but it is not allotment itself and mere identification or selection of the allottee does not clothe to forfeit the application money on the ground of non-payment of requisite subsequent demanded amount of Rs.6,07,508/- and as such there is no legal basis for forfeit the application money of my said client as a vested right of your authority.

**JIT SAHA**

**V O C A T E**

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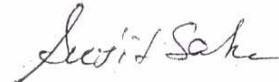
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6. That the scheme evolved by your authority does not say so either expressly or by necessary implication that what kind of service you authority will provide to my said client on the submission of application money in connection of service charge of 20% of total consideration amount as stated in clause 8B of the General terms and conditions of the scheme and as such the said Service charge as imposed by your authority without any legal sanction and as such service charge cannot be imposed upon my said client and such type of imposing service charge only a process of forfeit the application money of my said client to misappropriate the same as the allotment is not accepted by my said client not undertake to abide by the all the terms and conditions of the allotment letter.

Under the circumstances, you are hereby requested to refund the application money of my said client within 15 days from the date of receipt of the present notice otherwise I am instructed by my said to move the matter before appropriate court of law and your authority will be sole responsible for all future consequences.

Thanking you,

Yours faithfully,



Advocate